

this section to the Majority and Minority Leaders of the Senate and the Speaker and the Minority Leader of the House of Representatives.

(d) Presentation of award

(1) In general

The Majority and Minority Leaders of the Senate and the Speaker and the Minority Leader of the House of Representatives shall make the award to an individual and an organization, institution, or business that has demonstrated excellence in promoting United States industrial competitiveness in the international marketplace through technological innovation, productivity improvement, or improved competitive strategies.

(2) Ceremonies

The presentation of an award under this section shall be made by the Majority and Minority Leaders of the Senate and the Speaker and the Minority Leader of the House of Representatives, with such ceremonies as they may deem proper.

(3) Publicity

An individual, organization, institution, or business to which an award is made under this section may publicize its receipt of such award and use the award in its advertising, but it shall be ineligible to receive another award in the same category for a period of 5 years.

(e) Publication of evaluations

(1) Summary of evaluations

The Office of Technology Assessment shall ensure that all nominees receive a detailed summary of any evaluation conducted of such nominee under subsection (c) of this section.

(2) Summary of competitiveness strategy

The Office of Technology Assessment shall also make available to all nominees and the public a summary of each award winner's competitiveness strategy. Proprietary information shall not be included in any such summary without the consent of the award winner.

(f) Reimbursement of costs

The Majority and Minority Leaders of the Senate and the Speaker and the Minority Leader of the House of Representatives are authorized to seek and accept gifts from public and private sources to defray the cost of implementing this section.

(Pub. L. 102-429, title III, § 301, Oct. 21, 1992, 106 Stat. 2205.)

**CHAPTER 20—EMERGENCY POWERS TO
ELIMINATE BUDGET DEFICITS**

**SUBCHAPTER I—ELIMINATION OF DEFICITS IN
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SUBCHAPTER I—ELIMINATION OF DEFICITS IN EXCESS OF MAXIMUM DEFICIT AMOUNT

TERMINATION OF SUBCHAPTER

For termination of subchapter, see Effective and Termination Dates note set out under section 900 of this title.

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 665e, 922 of this title; title 22 sections 5853, 5859a; title 38 section 113; title 39 section 2009a; title 42 section 300aa–15.

§ 900. Statement of budget enforcement through sequestration; definitions**(a) Omitted****(b) General statement of budget enforcement through sequestration**

This subchapter provides for the enforcement of the deficit reduction assumed in House Con-

current Resolution 310 (101st Congress, second session) and the applicable deficit targets for fiscal years 1991 through 1995. Enforcement, as necessary, is to be implemented through sequestration—

(1) to enforce discretionary spending levels assumed in that resolution (with adjustments as provided hereinafter);

(2) to enforce the requirement that any legislation increasing direct spending or decreasing revenues be on a pay-as-you-go basis; and

(3) to enforce the deficit targets specifically set forth in the Congressional Budget and Impoundment Control Act of 1974 (with adjustments as provided hereinafter);

applied in the order set forth above.

(c) Definitions

As used in this subchapter:

(1) The terms “budget authority”, “new budget authority”, “outlays”, and “deficit” have the meanings given to such terms in section 3 of the Congressional Budget and Impoundment Control Act of 1974 [2 U.S.C. 622] (but including the treatment specified in section 907(b)(3) of this title of the Hospital Insurance Trust Fund) and the terms “maximum deficit amount” and “discretionary spending limit” shall mean the amounts specified in section 601 of that Act [2 U.S.C. 665] as adjusted under sections 901 and 903 of this title.

(2) The terms “sequester” and “sequestration” refer to or mean the cancellation of budgetary resources provided by discretionary appropriations or direct spending law.

(3) The term “breach” means, for any fiscal year, the amount (if any) by which new budget authority or outlays for that year (within a category of discretionary appropriations) is above that category’s discretionary spending limit for new budget authority or outlays for that year, as the case may be.

(4) The term “category” means:

(A) For fiscal years 1991, 1992, and 1993, any of the following subsets of discretionary appropriations: defense, international, or domestic. Discretionary appropriations in each of the three categories shall be those so designated in the joint statement of managers accompanying the conference report on the Omnibus Budget Reconciliation Act of 1990. New accounts or activities shall be categorized in consultation with the Committees on Appropriations and the Budget of the House of Representatives and the Senate.

(B) For fiscal years 1994 and 1995, all discretionary appropriations.

Contributions to the United States to offset the cost of Operation Desert Shield shall not be counted within any category.

(5) The term “baseline” means the projection (described in section 907 of this title) of current-year levels of new budget authority, outlays, receipts, and the surplus or deficit into the budget year and the outyears.

(6) The term “budgetary resources” means—

(A) with respect to budget year 1991, new budget authority; unobligated balances; new loan guarantee commitments or limitations; new direct loan obligations, commitments,

or limitations; direct spending authority; and obligation limitations; or

(B) with respect to budget year 1992, 1993, 1994, or 1995, new budget authority; unobligated balances; direct spending authority; and obligation limitations.

(7) The term “discretionary appropriations” means budgetary resources (except to fund direct-spending programs) provided in appropriation Acts.

(8) The term “direct spending” means—

(A) budget authority provided by law other than appropriation Acts;

(B) entitlement authority; and

(C) the food stamp program.

(9) The term “current” means, with respect to OMB estimates included with a budget submission under section 1105(a) of title 31, the estimates consistent with the economic and technical assumptions underlying that budget and with respect to estimates made after submission of the fiscal year 1992 budget that are not included with a budget submission, estimates consistent with the economic and technical assumptions underlying the most recently submitted President’s budget.

(10) The term “real economic growth”, with respect to any fiscal year, means the growth in the gross national product during such fiscal year, adjusted for inflation, consistent with Department of Commerce definitions.

(11) The term “account” means an item for which appropriations are made in any appropriation Act and, for items not provided for in appropriation Acts, such term means an item for which there is a designated budget account identification code number in the President’s budget.

(12) The term “budget year” means, with respect to a session of Congress, the fiscal year of the Government that starts on October 1 of the calendar year in which that session begins.

(13) The term “current year” means, with respect to a budget year, the fiscal year that immediately precedes that budget year.

(14) The term “outyear” means, with respect to a budget year, any of the fiscal years that follow the budget year through fiscal year 1995.

(15) The term “OMB” means the Director of the Office of Management and Budget.

(16) The term “CBO” means the Director of the Congressional Budget Office.

(17) For purposes of sections 902 and 903 of this title, legislation enacted during the second session of the One Hundred First Congress shall be deemed to have been enacted before November 5, 1990.

(18) As used in this subchapter, all references to entitlement authority shall include the list of mandatory appropriations included in the joint explanatory statement of managers accompanying the conference report on the Omnibus Budget Reconciliation Act of 1990.

(19) The term “deposit insurance” refers to the expenses of the Federal Deposit Insurance Corporation and the funds it incorporates, the Resolution Trust Corporation, the National Credit Union Administration and the funds it incorporates, the Office of Thrift Supervision,

the Comptroller of the Currency Assessment Fund, and the RTC Office of Inspector General.

(20) The term “composite outlay rate” means the percent of new budget authority that is converted to outlays in the fiscal year for which the budget authority is provided and subsequent fiscal years, as follows:

(A) For the international category, 46 percent for the first year, 20 percent for the second year, 16 percent for the third year, and 8 percent for the fourth year.

(B) For the domestic category, 53 percent for the first year, 31 percent for the second year, 12 percent for the third year, and 2 percent for the fourth year.

(21) The sale of an asset means the sale to the public of any asset, whether physical or financial, owned in whole or in part by the United States. The term “prepayment of a loan” means payments to the United States made in advance of the schedules set by law or contract when the financial asset is first acquired, such as the prepayment to the Federal Financing Bank of loans guaranteed by the Rural Electrification Administration. If a law or contract allows a flexible payment schedule, the term “in advance” shall mean in advance of the slowest payment schedule allowed under such law or contract.

(Pub. L. 99-177, title II, §250, as added Pub. L. 101-508, title XIII, §13101(a), Nov. 5, 1990, 104 Stat. 1388-574, and Pub. L. 99-177, title II, §250(c)(21), formerly §257(12), as added Pub. L. 100-119, title I, §102(b)(7), Sept. 29, 1987, 101 Stat. 774, renumbered §250(c)(21), Pub. L. 101-508, title XIII, §13101(b), Nov. 5, 1990, 104 Stat. 1388-589.)

TERMINATION OF SECTION

For termination of section by section 14002(c)(3)(A) of Pub. L. 103-66, see Effective and Termination Dates note set out below.

REFERENCES IN TEXT

House Concurrent Resolution 310, referred to in subsec. (b), is H. Con. Res. 310, Oct. 9, 1990, 104 Stat. 5163, which is not classified to the Code.

The Congressional Budget and Impoundment Control Act of 1974, referred to in subsec. (b)(3), is Pub. L. 93-344, July 12, 1974, 88 Stat. 297, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 621 of this title and Tables.

The Omnibus Budget Reconciliation Act of 1990, referred to in subsec. (c)(4)(A), (18), is Pub. L. 101-508, Nov. 5, 1990, 104 Stat. 1388. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Subsection (a) of this section, which provided a partial table of contents for this subchapter was omitted from the Code.

Pub. L. 101-508, §13101(b), transferred section 257(12) of Pub. L. 99-177, which was classified to section 907(12) of this title, to subsec. (c)(21) of this section.

November 5, 1990, referred to in subsec. (c)(17), was in the original “the date of enactment of this Act”, which was translated as meaning the date of enactment of Pub. L. 101-508, which enacted this section, to reflect the probable intent of Congress.

AMENDMENTS

1990—Subsec. (c)(21). Pub. L. 101-508, §13101(b), redesignated section 907(12) of this title as par. (21).

EFFECTIVE AND TERMINATION DATES

Pub. L. 103-66, title XIV, §14002(c)(3)(A), Aug. 10, 1993, 107 Stat. 684, provided that: “Notwithstanding section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 [Pub. L. 99-177, set out below], sections 250, 251, 252, and 254 through 258C of that Act [2 U.S.C. 900-902, 904-908] shall expire on September 30, 1998.”

Section 275 of title II of Pub. L. 99-177, as amended by Pub. L. 100-119, title I, §106(c), title II, §210(b), Sept. 29, 1987, 101 Stat. 780, 787; Pub. L. 101-508, title XIII, §§13112(b), 13208(b), Nov. 5, 1990, 104 Stat. 1388-608, 1388-619, provided that:

“(a) IN GENERAL.—

“(1) Except as provided in paragraph (2) and in subsections (b) and (c), this title and the amendments made by this title [see Short Title note below] shall become effective on the date of the enactment of this title [Dec. 12, 1985] and shall apply with respect to fiscal years beginning after September 30, 1985.

“(2)(A) The amendment made by section 201(a)(2) [amending section 622(2) of this title], and the amendment made by section 201(b) [() insofar as it relates to subsections (c), (f), and (g) of section 302 of the Congressional Budget Act of 1974 [section 633(c), (f), and (g) of this title] and to subsections (c), (d), and (g) of section 310 of that Act [section 641(c), (d), and (g) of this title)], shall become effective April 15, 1986.

“(B) The amendment made by section 212 [amending section 652 of this title] shall become effective February 1, 1986.

“(b) EXPIRATION.—Part C of this title [enacting this subchapter], section 271(b) of this Act [set out as a note below], and sections 1105(f) and 1106(c) of title 31, United States Code, shall expire September 30, 1995.

“(c) OASDI TRUST FUNDS.—The amendments made by part D [amending section 911 of Title 42, The Public Health and Welfare, and enacting provisions set out as a note under section 911 of Title 42] shall apply as provided in such part.”

[Amendment of section 275(b)(2) of Pub. L. 99-177, set out above, by section 13208(b) of Pub. L. 101-508 could not be executed because of general amendment of section 275(b) by section 13112(b) of Pub. L. 101-508.]

SHORT TITLE OF 1990 AMENDMENT

Section 13001(a) of title XIII of Pub. L. 101-508 provided that: “This title [enacting this section and sections 643, 661 to 661f, 665 to 665e, and 907a to 907d of this title, amending sections 601, 602, 622, 631 to 637, 639, 641, 642, 644, 651, 652, and 901 to 907 of this title, section 1022 of Title 15, Commerce and Trade, sections 1105, 1341, and 1342 of Title 31, Money and Finance, and section 401 of Title 42, The Public Health and Welfare, transferring section 921 of this title to section 601(g) of this title, repealing section 909 of this title, enacting provisions set out as notes under this section and sections 621, 622, 632, 633, 665, and 902 of this title, and amending provisions set out as notes under this section and sections 621 and 632 of this title] may be cited as the ‘Budget Enforcement Act of 1990’.”

SHORT TITLE OF 1987 AMENDMENT

Section 101(b) of title I of Pub. L. 100-119 provided that: “This title [enacting section 908 of this title, amending sections 622, 632, 642, 901 to 907, and 922 of this title and section 1105 of Title 31, Money and Finance, enacting provisions set out as notes under section 1395ww of Title 42, The Public Health and Welfare, and amending provisions set out as notes under section 901 of this title and sections 1320b-8 and 1395ww of Title 42] may be cited as the ‘Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987’.”

SHORT TITLE

Section 200(a) of title II of Pub. L. 99-177 provided that: “This title [enacting this chapter and sections 654 to 656 of this title, amending sections 602, 622, 631 to 642, and 651 to 653 of this title, sections 1104 to 1106 and 1109

of Title 31, Money and Finance, and section 911 of Title 42, The Public Health and Welfare, repealing section 661 of this title, enacting provisions set out as notes under this section and section 911 of Title 42, and amending provisions set out as a note under section 621 of this title] may be cited as the ‘Balanced Budget and Emergency Deficit Control Act of 1985’.”

RESTRICTION ON ELIMINATION OR REDUCTION OF PROGRAMS RELATING TO ENERGY AND WATER DEVELOPMENT

Pub. L. 102-377, title V, §503, Oct. 2, 1992, 106 Stat. 1342, provided that: “None of the programs, projects or activities as defined in the reports accompanying this Act or subsequent Energy and Water Development Appropriations Acts, may be eliminated or disproportionately reduced due to the application of ‘Savings and Slippage’, ‘general reduction’, or the provision of Public Law 99-177 [see Short Title note above] or Public Law 100-119 [see section 213 of Pub. L. 100-119 set out below] unless such reports expressly provide otherwise.”

WAIVERS AND SUSPENSIONS IN THE SENATE

Section 271(b) of Pub. L. 99-177, as amended by Pub. L. 100-119, title II, §211, Sept. 29, 1987, 101 Stat. 787, provided that: “Sections 301(i), 302(c), 302(f), 304(b), 310(d), 310(g), and 311(a) of the Congressional Budget Act of 1974 [sections 632(i), 633(c), 633(f), 635(b), 641(d), 641(g), and 642(a) of this title] may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn. This subsection shall not apply to any joint resolution reported or discharged pursuant to section 254(a) of this joint resolution [section 904(a) of this title].”

[For effective and termination dates of section 271(b) of Pub. L. 99-177, see section 275(a)(1), (b) of Pub. L. 99-177, as amended, set out as a note above.]

APPEALS OF RULINGS

Section 271(c) of Pub. L. 99-177, as added by Pub. L. 100-119, title II, §210(a), Sept. 29, 1987, 101 Stat. 787, provided that: “An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under section 301(i), 302(c), 302(f), 304(b), 306, 310(d), 310(g), or 311(a) of the Congressional Budget Act of 1974 [sections 632(i), 633(c), 633(f), 635(b), 637, 641(d), 641(g), or 642(a) of this title].”

[For effective date of section 271(c) of Pub. L. 99-177, see section 275(a)(1) of Pub. L. 99-177, as amended, set out as a note above.]

EXERCISE OF CONGRESSIONAL RULEMAKING POWER

Pub. L. 103-66, title XIV, §14004, Aug. 10, 1993, 107 Stat. 685, provided that: “The Congress enacts the provisions of this part [probably should be “this title”], amending sections 665, 901, 902, and 904 of this title, enacting provisions set out as notes under this section and section 902 of this title, and amending provisions set out as notes under section 665 of this title]—

“(1) as an exercise of the rule-making power of the Senate and the House of Representatives, respectively, and as such these provisions shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

“(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.”

Section 13305 of title XIII of Pub. L. 101-508 provided that: “This title and the amendments made by it [see Short Title of 1990 Amendment note above] are enacted by the Congress—

“(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respec-

tively, and as such they shall be considered as a part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

“(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.”

Section 213 of Pub. L. 100-119 provided that: “This Act and the amendments made by this Act [enacting sections 908 and 909 of this title, amending sections 622, 632, 635, 636, 642, 683, 684, 687, 901 to 907, and 922 of this title and sections 1105 and 3101 of Title 31, Money and Finance, enacting provisions set out as notes under sections 602, 621, 686, and 901 of this title and section 1395ww of Title 42, The Public Health and Welfare, amending provisions set out as notes under section 901 of this title and sections 1320b-8 and 1395ww of Title 42, and repealing provisions set out as a note under section 653 of this title], other than those relating to the activities of the executive and judicial branches of the Government, are enacted by Congress—

“(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

“(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.”

Section 271(d), formerly section 271(c), of Pub. L. 99-177, as redesignated by Pub. L. 100-119, title II, § 210(a), Sept. 29, 1987, 101 Stat. 787, provided that: “The provisions of this title [see Short Title note above], other than those relating to the activities of the executive and judicial branches of the Government, are enacted by the Congress—

“(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

“(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.”

RESTORATION OF TRUST FUND INVESTMENTS; FUNDS BORROWED OR NOT INVESTED DURING DELAYS IN RAISING PUBLIC DEBT LIMIT

For provisions restoring various trust and retirement funds administered by the Secretary of the Treasury to the position in which they would have been if debt limit increases had been delayed, including transferring amounts to the funds to compensate those funds for current and prospective losses arising from premature redemption of some long term securities when the debt limit was reached, see notes set out under section 3101 of Title 31, Money and Finance.

EX. ORD. NO. 12857. BUDGET CONTROL

Ex. Ord. No. 12857, Aug. 4, 1993, 58 F.R. 42181, provided: By the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, including section 1105 of title 31, United States Code, it is hereby ordered as follows:

SECTION 1. *Purpose.* The purpose of this order is to create a mechanism to monitor total costs of direct spending programs, and, in the event that actual or projected costs exceed targeted levels, to require that the budget address adjustments in direct spending.

SEC. 2. *Establishment of Direct Spending Targets.*

(a) *In General.* The initial direct spending targets for each of fiscal years 1994 through 1997 shall equal total outlays for all direct spending except net interest and deposit insurance as determined by the Director of the Office of Management and Budget (Director) under subsection (b).

(b) *Initial Report by Director.* (1) Not later than 30 days after the date of enactment of the Omnibus Budget Reconciliation Act of 1993 (OBRA) [Aug. 10, 1993], the Director shall submit a report to the Congress setting forth projected direct spending targets for each of fiscal years 1994 through 1997.

(2) The Director's projections shall be based on legislation enacted as of 5 days before the report is submitted under paragraph (1). To the extent feasible, the Director shall use the same economic and technical assumptions used in preparing the concurrent resolution on the budget for fiscal year 1994 (H.Con.Res. 64).

(c) *Adjustments.* Direct spending targets shall be subsequently adjusted by the Director under Section 6.

SEC. 3. *Annual Review of Direct Spending and Receipts by President.* As part of each budget submitted under section 1105(a) of title 31, United States Code, the Director shall provide an annual review of direct spending and receipts, which shall include (1) information supporting the adjustment of direct spending targets pursuant to Section 6, (2) information on total outlays for programs covered by the direct spending targets, including actual outlays for the prior fiscal year and projected outlays for the current fiscal year and the 5 succeeding fiscal years, and (3) information on the major categories of Federal receipts, including a comparison between the levels of those receipts and the levels projected as of the date of enactment of OBRA [Aug. 10, 1993].

SEC. 4. *Special Direct Spending Message by President.* (a) *Trigger.* In the event that the information submitted under Section 3 indicates—

(1) that actual outlays for direct spending in the prior fiscal year exceeded the applicable direct spending target, or

(2) that outlays for direct spending for the current or budget year are projected to exceed the applicable direct spending targets, the Director shall include in the budget a special direct spending message meeting the requirements of subsection (b) of this Section.

(b) *Contents.* (1) The special direct spending message shall include:

(A) An explanation of any adjustments to the direct spending targets pursuant to Section 6.

(B) An analysis of the variance in direct spending over the adjusted direct spending targets.

(C) The President's recommendations for addressing the direct spending overages, if any, in the prior, current, or budget year.

(2) The recommendations may consist of any of the following:

(A) Proposed legislative changes to reduce outlays, increase revenues, or both, in order to recoup or eliminate the overage for the prior, current, and budget years in the current year, the budget year, and the 4 out-years.

(B) Proposed legislative changes to reduce outlays, increase revenues, or both, in order to recoup or eliminate part of the overage for the prior, current, and budget year in the current year, the budget year, and the 4 out-years, accompanied by a finding by the President that, because of economic conditions or for other specified reasons, only some of the overage should be recouped or eliminated by outlay reductions or revenue increases, or both.

(C) A proposal to make no legislative changes to recoup or eliminate any overage, accompanied by a finding by the President that, because of economic conditions or for other specified reasons, no legislative changes are warranted.

(3) Any proposed legislative change under paragraph (2) to reduce outlays may include reductions in direct spending or in the discretionary spending limits under

section 601 of the Congressional Budget Act of 1974 [2 U.S.C. 665].

SEC. 5. *Proposed Special Direct Spending Resolution.* If the President recommends reductions consistent with subsection [Section] 4 (b)(2)(A) or (B), the special direct spending message shall include the text of a special direct spending resolution implementing the President's recommendations through reconciliation directives instructing the appropriate committees of the House of Representatives and Senate to determine and recommend changes in laws within their jurisdictions to reduce outlays or increase revenues by specified amounts. If the President recommends no reductions pursuant to Section 4 (b)(2)(C), the special direct spending message shall include the text of a special resolution concurring in the President's recommendation of no legislative action.

SEC. 6. *Adjustments to Direct Spending Targets.*

(a) *Required Annual Adjustments.* Prior to the submission of the President's budget for each of fiscal years 1995 through 1997, the Director shall adjust the direct spending targets in accordance with this Section. Any such adjustments shall be reflected in the targets used in the report under Section 3 and message (if any) under Section 4.

(b) *Adjustment for Increases in Beneficiaries.* (1) The Director shall adjust the direct spending targets for increases (if any) in actual or projected numbers of beneficiaries under direct spending programs for which the number of beneficiaries is a variable in determining costs.

(2) The adjustment shall be made by—

(A) computing, for each program under paragraph (1), the percentage change between (i) the annual average number of beneficiaries under that program (including actual numbers of beneficiaries for the prior fiscal year and projections for the budget and subsequent fiscal years) to be used in the President's budget with which the adjustments will be submitted, and (ii) the annual average number of beneficiaries used in the adjustments made by the Director in the previous year (or, in the case of adjustments made in 1994, the annual average number of beneficiaries used in the Director's initial report under Section 2(b));

(B) applying the percentages computed under subparagraph (A) to the projected levels of outlays for each program consistent with the direct spending targets in effect immediately prior to the adjustment; and

(C) adding the results of the calculations required by subparagraph (B) to the direct spending targets in effect immediately prior to the adjustment.

(3) No adjustment shall be made for any program for a fiscal year in which the percentage increase computed under paragraph (2)(A) is less than or equal to zero.

(c) *Adjustments for Revenue Legislation.* The Director shall adjust the targets as follows:

(1) they shall be increased by the amount of any increase in receipts; or

(2) they shall be decreased by the amount of any decrease in receipts, resulting from receipts legislation enacted after the date of enactment of OBRA [Aug. 10, 1993], except legislation enacted in response to the message transmitted under Section 4.

(d) *Adjustments To Reflect Congressional Decisions.* Upon enactment of a reconciliation bill enacted in response to a message submitted under Section 4, the Director shall adjust direct spending targets for the current year, the budget year, and each outyear through 1997 by—

(1) increasing the target for the current year and the budget year by the amount stated for that year in that reconciliation bill (but if a separate vote was required by Congressional rules, only if that vote has occurred); and

(2) decreasing the target for the current, budget, and outyears through 1997 by the amount of reductions in direct spending enacted in that reconciliation bill.

(e) *Designated Emergencies.* The Director shall adjust the targets to reflect the costs of legislation that is

designated as an emergency by Congress and the President under section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 902(e)].

SEC. 7. *Relationship to Balanced Budget and Emergency Deficit Control Act.* Recommendations pursuant to Section 4 shall include a provision specifying that reductions in outlays or increases in receipts resulting from that legislation shall not be taken into account for purposes of any budget enforcement procedures under the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 900 et seq.].

SEC. 8. *Estimating Margin.* For any fiscal year for which the overage is less than one-half of 1 percent of the direct spending target for that year, the procedures set forth in Section 4 shall not apply.

SEC. 9. *Means-Tested Programs.* In making recommendations under Section 4, the Director shall seriously consider all other alternatives before proposing reductions in means-tested programs.

SEC. 10. *Effective Date.* This order shall take effect upon enactment of OBRA [Aug. 10, 1993]. This order shall apply to direct spending targets for fiscal years 1994 through 1997 and shall expire at the end of fiscal year 1997.

WILLIAM J. CLINTON.

EX. ORD. NO. 12858. DEFICIT REDUCTION FUND

Ex. Ord. No. 12858, Aug. 4, 1993, 58 F.R. 42185, provided: By the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, including sections 1104 and 1105 of title 31, United States Code, it is hereby ordered as follows:

SECTION 1. *Purpose.* It is essential to guarantee that the net deficit reduction achieved by the Omnibus Budget Reconciliation Act of 1993 [Pub. L. 103-66, see Tables for classification] is dedicated exclusively to reducing the deficit.

SEC. 2. *Deficit Reduction Fund.*

(a) *Establishment of the Fund.* There is established a separate account in the Treasury, known as the Deficit Reduction Fund, which shall receive the net deficit reduction achieved by the Omnibus Budget Reconciliation Act of 1993 [Pub. L. 103-66, see Tables for classification] as called for in subsection (b) of this order.

(b) *Amounts in Fund.* Beginning upon enactment of the Omnibus Budget Reconciliation Act of 1993 [Aug. 10, 1993], the Deficit Reduction Fund shall receive any increases in total revenues resulting from enactment of such Act on a daily basis. In addition, on a daily basis, the Secretary of the Treasury shall enter into such account an amount equivalent to the net deficit reduction achieved as a result of all spending reductions resulting from such Act. The cumulative fiscal year amounts for the combination of all such revenue increases and spending reductions shall be equal to:

- (1) for fiscal year 1994, \$60,292,000,000;
- (2) for fiscal year 1995, \$70,437,000,000;
- (3) for fiscal year 1996, \$92,061,000,000;
- (4) for fiscal year 1997, \$125,881,000,000;
- (5) for fiscal year 1998, \$146,939,000,000.

Within 30 days of enactment of the Omnibus Budget Reconciliation Act of 1993, the foregoing amounts may be adjusted by the Director of the Office of Management and Budget to reflect the final scoring of such Act.

(c) *Status of Amounts in Fund.* (i) The amounts in the Deficit Reduction Fund shall be used exclusively to redeem maturing debt obligations of the Treasury of the United States held by foreign governments in the amounts specified in subsection (b).

(ii) The amounts in the Deficit Reduction Fund as set forth in subsection (b) that result from increases in total revenues and spending reductions shall not be available for new spending or to finance measures that increase the deficit for purposes of budget enforcement procedures under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901-922).

(d) *Effect on Other Funds.* Establishment of and transfers to the Deficit Reduction Fund shall not affect

trust fund transfers that may be authorized or required by provisions of the Omnibus Reconciliation Act of 1993 or any other provision of law.

SEC. 3. *Requirement for the President To Report Annually on the Status of the Fund.* The Director of the Office of Management and Budget shall include in the President's Budget transmitted under section 1105 of title 31, United States Code, information about the Deficit Reduction Fund, including a separate statement of amounts in and Federal debt redeemed by that Fund.

SEC. 4. *Implementation.* The Secretary of the Treasury and the Director of the Office of Management and Budget shall each take such actions as may be necessary, within their respective authorities, promptly to carry out this order.

SEC. 5. *Effective Date.* This order shall take effect upon enactment of the Omnibus Budget Reconciliation Act of 1993 [Aug. 10, 1993].

WILLIAM J. CLINTON.

ACT REFERRED TO IN OTHER SECTIONS

The Balanced Budget and Emergency Deficit Control Act of 1985 (see Short Title note above) is referred to in sections 665, 665e of this title; title 7 section 1446; title 12 section 2250; title 21 section 379g; title 22 sections 2295b, 3751, 5857; title 25 section 2010; title 38 section 113; title 39 section 2009a; title 42 sections 8621, 11303, 14211; title 48 section 1469a-1.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 50 App. section 1989b-9.

§ 901. Enforcing discretionary spending limits

(a) Fiscal years 1991–1998 enforcement

(1) Sequestration

Within 15 calendar days after Congress adjourns to end a session and on the same day as a sequestration (if any) under section 902 of this title and section 903 of this title, there shall be a sequestration to eliminate a budget-year breach, if any, within any category.

(2) Eliminating a breach

Each non-exempt account within a category shall be reduced by a dollar amount calculated by multiplying the baseline level of sequesterable budgetary resources in that account at that time by the uniform percentage necessary to eliminate a breach within that category; except that the health programs set forth in section 906(e) of this title shall not be reduced by more than 2 percent and the uniform percent applicable to all other programs under this paragraph shall be increased (if necessary) to a level sufficient to eliminate that breach. If, within a category, the discretionary spending limits for both new budget authority and outlays are breached, the uniform percentage shall be calculated by—

(A) first, calculating the uniform percentage necessary to eliminate the breach in new budget authority, and

(B) second, if any breach in outlays remains, increasing the uniform percentage to a level sufficient to eliminate that breach.

(3) Military personnel

If the President uses the authority to exempt any military personnel from sequestration under section 905(h) of this title, each account within subfunctional category 051 (other than those military personnel accounts for which the authority provided under section

905(h) of this title has been exercised) shall be further reduced by a dollar amount calculated by multiplying the enacted level of non-exempt budgetary resources in that account at that time by the uniform percentage necessary to offset the total dollar amount by which outlays are not reduced in military personnel accounts by reason of the use of such authority.

(4) Part-year appropriations

If, on the date specified in paragraph (1), there is in effect an Act making or continuing appropriations for part of a fiscal year for any budget account, then the dollar sequestration calculated for that account under paragraphs (2) and (3) shall be subtracted from—

(A) the annualized amount otherwise available by law in that account under that or a subsequent part-year appropriation; and

(B) when a full-year appropriation for that account is enacted, from the amount otherwise provided by the full-year appropriation.

(5) Look-back

If, after June 30, an appropriation for the fiscal year in progress is enacted that causes a breach within a category for that year (after taking into account any sequestration of amounts within that category), the discretionary spending limits for that category for the next fiscal year shall be reduced by the amount or amounts of that breach.

(6) Within-session sequestration

If an appropriation for a fiscal year in progress is enacted (after Congress adjourns to end the session for that budget year and before July 1 of that fiscal year) that causes a breach within a category for that year (after taking into account any prior sequestration of amounts within that category), 15 days later there shall be a sequestration to eliminate that breach within that category following the procedures set forth in paragraphs (2) through (4).

(7) OMB estimates

As soon as practicable after Congress completes action on any discretionary appropriation, CBO, after consultation with the Committees on the Budget of the House of Representatives and the Senate, shall provide OMB with an estimate of the amount of discretionary new budget authority and outlays for the current year (if any) and the budget year provided by that legislation. Within 5 calendar days after the enactment of any discretionary appropriation, OMB shall transmit a report to the House of Representatives and to the Senate containing the CBO estimate of that legislation, an OMB estimate of the amount of discretionary new budget authority and outlays for the current year (if any) and the budget year provided by that legislation, and an explanation of any difference between the two estimates. For purposes of this paragraph, amounts provided by annual appropriations shall include any new budget authority and outlays for those years in accounts for which funding is provided in that legislation that result from previously enacted legisla-

tion. Those OMB estimates shall be made using current economic and technical assumptions. OMB shall use the OMB estimates transmitted to the Congress under this paragraph for the purposes of this subsection. OMB and CBO shall prepare estimates under this paragraph in conformance with scorekeeping guidelines determined after consultation among the House and Senate Committees on the Budget, CBO, and OMB.

(b) Adjustments to discretionary spending limits

(1) When the President submits the budget under section 1105(a) of title 31 for budget year 1992, 1993, 1994, 1995, 1996, 1997, or 1998 (except as otherwise indicated), OMB shall calculate (in the order set forth below), and the budget shall include, adjustments to discretionary spending limits (and those limits as cumulatively adjusted) for the budget year and each outyear through 1998 to reflect the following:

(A) Changes in concepts and definitions

The adjustments produced by the amendments made by title XIII of the Omnibus Budget Reconciliation Act of 1990 or by any other changes in concepts and definitions shall equal the baseline levels of new budget authority and outlays using up-to-date concepts and definitions minus those levels using the concepts and definitions in effect before such changes. Such other changes in concepts and definitions may only be made in consultation with the Committees on Appropriations, the Budget, Government Operations, and Governmental Affairs of the House of Representatives and Senate.

(B) Changes in inflation

(i) For a budget submitted for budget year 1992, 1993, 1994, or 1995, the adjustments produced by changes in inflation shall equal the levels of discretionary new budget authority and outlays in the baseline (calculated using current estimates) subtracted from those levels in that baseline recalculated with the baseline inflators for the budget year only, multiplied by the inflation adjustment factor computed under clause (ii).

(ii) For a budget year the inflation adjustment factor shall equal the ratio between the level of year-over-year inflation measured for the fiscal year most recently completed and the applicable estimated level for that year set forth below:

For 1990, 1.041
For 1991, 1.052
For 1992, 1.041
For 1993, 1.033

Inflation shall be measured by the average of the estimated gross national product implicit price deflator index for a fiscal year divided by the average index for the prior fiscal year.

(iii) For a budget submitted for budget year 1996, 1997, or 1998, the adjustments shall be those necessary to reflect changes in inflation estimates since those of March 31, 1993, set forth on page 46 of House Conference Report 103-48.

(C) Credit reestimates

For a budget submitted for fiscal year 1993 or 1994, the adjustments produced by reesti-

mates to costs of Federal credit programs shall be, for any such program, a current estimate of new budget authority and outlays associated with a baseline projection of the prior year's gross loan level for that program minus the baseline projection of the prior year's new budget authority and associated outlays for that program.

(2) When OMB submits a sequestration report under section 904(g) or (h) of this title for fiscal year 1991, 1992, 1993, 1994, 1995, 1996, 1997, or 1998 (except as otherwise indicated), OMB shall calculate (in the order set forth below), and the sequestration report, and subsequent budgets submitted by the President under section 1105(a) of title 31, shall include, adjustments to discretionary spending limits (and those limits as adjusted) for the fiscal year and each succeeding year through 1998, as follows:

(A) IRS funding

To the extent that appropriations are enacted that provide additional new budget authority or result in additional outlays (as compared with the CBO baseline constructed in June 1990) for the Internal Revenue Service compliance initiative in any fiscal year, the adjustments for that year shall be those amounts, but shall not exceed the amounts set forth below—

- (i) for fiscal year 1991, \$191,000,000 in new budget authority and \$183,000,000 in outlays;
- (ii) for fiscal year 1992, \$172,000,000 in new budget authority and \$169,000,000 in outlays;
- (iii) for fiscal year 1993, \$183,000,000 in new budget authority and \$179,000,000 in outlays;
- (iv) for fiscal year 1994, \$187,000,000 in new budget authority and \$183,000,000 in outlays; and
- (v) for fiscal year 1995, \$188,000,000 in new budget authority and \$184,000,000 in outlays; and

the prior-year outlays resulting from these appropriations of budget authority.

(B) Debt forgiveness

If, in calendar year 1990 or 1991, an appropriation is enacted that forgives the Arab Republic of Egypt's foreign military sales indebtedness to the United States and any part of the Government of Poland's indebtedness to the United States, the adjustment shall be the estimated costs (in new budget authority and outlays, in all years) of that forgiveness.

(C) IMF funding

If, in fiscal year 1991, 1992, 1993, 1994, or 1995 an appropriation is enacted to provide to the International Monetary Fund the dollar equivalent, in terms of Special Drawing Rights, of the increase in the United States quota as part of the International Monetary Fund Ninth General Review of Quotas, the adjustment shall be the amount provided by that appropriation.

(D) Emergency appropriations

(i) If, for any fiscal year, appropriations for discretionary accounts are enacted that the President designates as emergency requirements and that the Congress so designates in

statute, the adjustment shall be the total of such appropriations in discretionary accounts designated as emergency requirements and the outlays flowing in all years from such appropriations. This subparagraph shall not apply to appropriations to cover agricultural crop disaster assistance.

(ii) The costs for operation Desert Shield are to be treated as emergency funding requirements not subject to the defense spending limits. Funding for Desert Shield will be provided through the normal legislative process. Desert Shield costs should be accommodated through Allied burden-sharing, subsequent appropriation Acts, and if the President so chooses, through offsets within other defense accounts. Emergency Desert Shield costs mean those incremental costs associated with the increase in operations in the Middle East and do not include costs that would be experienced by the Department of Defense as part of its normal operations absent Operation Desert Shield.

(E) Special allowance for discretionary new budget authority

(i) For each of fiscal years 1992 and 1993, the adjustment for the domestic category in each year shall be an amount equal to 0.1 percent of the sum of the adjusted discretionary spending limits on new budget authority for all categories for fiscal years 1991, 1992, and 1993 (cumulatively), together with outlays associated therewith (calculated at the composite outlay rate for the domestic category);

(ii) for each of fiscal years 1992 and 1993, the adjustment for the international category in each year shall be an amount equal to 0.079 percent of the sum of the adjusted discretionary spending limits on new budget authority for all categories for fiscal years 1991, 1992, and 1993 (cumulatively), together with outlays associated therewith (calculated at the composite outlay rate for the international category);

(iii) if, for fiscal years 1992 and 1993, the amount of new budget authority provided in appropriation Acts exceeds the discretionary spending limit on new budget authority for any category due to technical estimates made by the Director of the Office of Management and Budget, the adjustment is the amount of the excess, but not to exceed an amount (for 1992 and 1993 together) equal to 0.042 percent of the sum of the adjusted discretionary limits on new budget authority for all categories for fiscal years 1991, 1992, and 1993 (cumulatively); and

(iv) if, for fiscal years 1994, 1995, 1996, 1997, and 1998, the amount of new budget authority provided in appropriation Acts exceeds the discretionary spending limit on new budget authority due to technical estimates made by the director¹ of the Office of Management and Budget, the adjustment is the amount of the excess, but not to exceed an amount (for any one fiscal year) equal to 0.1 percent of the adjusted discretionary² spending limit on new budget authority for that fiscal year.

¹ So in original. Probably should be capitalized.

² So in original. Probably should be "discretionary".

(F) Special outlay allowance

If in any fiscal year outlays for a category exceed the discretionary spending limit for that category but new budget authority does not exceed its limit for that category (after application of the first step of a sequestration described in subsection (a)(2) of this section, if necessary), the adjustment in outlays is the amount of the excess, but not to exceed \$2,500,000,000 in the defense category, \$1,500,000,000 in the international category, or \$2,500,000,000 in the domestic category (as applicable) in fiscal year 1991, 1992, or 1993, and not to exceed \$6,500,000,000 in fiscal year 1994 or 1995 less any of the outlay adjustments made under subparagraph (E) for a category for a fiscal year, and not to exceed 0.5 percent of the adjusted discretionary² spending limit on outlays for the fiscal year in fiscal year 1996, 1997, or 1998.

(G) Net guarantee costs

The net costs for fiscal year³ 1994 and 1995 of the appropriation made under section 2186 of title 22 are not subject to the discretionary spending limits or the Appropriations Committee's Foreign Operations Subcommittee's [section] 602(b) [2 U.S.C. 665a(b)] allocation in fiscal year³ 1994 and 1995.

(Pub. L. 99-177, title II, §251, Dec. 12, 1985, 99 Stat. 1063; Pub. L. 100-119, title I, §102(a), Sept. 29, 1987, 101 Stat. 754; Pub. L. 100-203, title VIII, §8003(f), Dec. 22, 1987, 101 Stat. 1330-282; Pub. L. 101-508, title XIII, §13101(a), (e)(2), Nov. 5, 1990, 104 Stat. 1388-577, 1388-593; Pub. L. 103-66, title XIV, §14002(c)(1), Aug. 10, 1993, 107 Stat. 683; Pub. L. 103-87, title V, §571, Sept. 30, 1993, 107 Stat. 971; Pub. L. 103-306, title V, §562, Aug. 23, 1994, 108 Stat. 1649; Pub. L. 103-354, title I, §119(d)(1), Oct. 13, 1994, 108 Stat. 3208.)

TERMINATION OF SECTION

For termination of section by section 14002(c)(3)(A) of Pub. L. 103-66, see Effective and Termination Dates note set out under section 900 of this title.

REFERENCES IN TEXT

The Omnibus Budget Reconciliation Act of 1990, referred to in subsec. (b)(1)(A), is Pub. L. 101-508, Nov. 5, 1990, 104 Stat. 1388. Title XIII of the Act is known as the Budget Enforcement Act of 1990. For complete classification of title XIII to the Code, see Short Title of 1990 Amendment note set out under section 900 of this title and Tables.

CODIFICATION

Pub. L. 101-508, §13101(e)(2), redesignated former subsec. (a)(6)(I) of this section as section 257(e) of Pub. L. 99-177, which is classified to section 907(e) of this title.

AMENDMENTS

1994—Subsec. (b)(2)(D)(i). Pub. L. 103-354 inserted at end "This subparagraph shall not apply to appropriations to cover agricultural crop disaster assistance."

Subsec. (b)(2)(G). Pub. L. 103-306 substituted "1994 and 1995" for "1994" in two places.

1993—Subsec. (a). Pub. L. 103-66, §14002(c)(1)(A), substituted "1998" for "1995" in heading.

Subsec. (b)(1). Pub. L. 103-66, §14002(c)(1)(B)(i), in introductory provisions, substituted "1995, 1996, 1997, or

³ So in original. Probably should be "years".

1998” for “or 1995” and “outyear through 1998” for “out-year through 1995”.

Subsec. (b)(1)(B)(iii). Pub. L. 103–66, § 14002(c)(1)(B)(ii), added cl. (iii).

Subsec. (b)(2). Pub. L. 103–66, § 14002(c)(1)(B)(iii), in introductory provisions, substituted “1995, 1996, 1997, or 1998” for “or 1995” and “year through 1998” for “year through 1995”.

Subsec. (b)(2)(D)(i). Pub. L. 103–66, § 14002(c)(1)(B)(iv), substituted “for any fiscal year,” for “for fiscal year 1991, 1992, 1993, 1994, or 1995.”

Subsec. (b)(2)(E)(iv). Pub. L. 103–66, § 14002(c)(1)(B)(v), added cl. (iv).

Subsec. (b)(2)(F). Pub. L. 103–66, § 14002(c)(1)(B)(vi), inserted before period at end “, and not to exceed 0.5 percent of the adjusted discretionary [sic] spending limit on outlays for the fiscal year in fiscal year 1996, 1997, or 1998”.

Subsec. (b)(2)(G). Pub. L. 103–87 added subpar. (G).

1990—Pub. L. 101–508, § 13101(a), amended section generally, substituting subsecs. (a) and (b) relating to enforcement of discretionary spending limits for former subsecs. (a) to (e) relating to reporting of excess deficits.

Subsec. (a)(6)(I). Pub. L. 101–508, § 13101(e)(2), redesignated subsec. (a)(6)(I) of this section as section 907(e) of this title.

1987—Pub. L. 100–119 amended section generally, substituting provisions consisting of subsecs. (a) to (e) relating to reports by Director of CBO to Director of OMB and to Congress and by Director of OMB to President and Congress for provisions consisting of subsecs. (a) to (g) relating to joint reports by Directors of CBO and OMB to Comptroller General and report by Comptroller General to President and Congress.

Subsec. (a)(6)(B). Pub. L. 100–203, § 8003(f), struck out “and” before “contract authority” and inserted provision whereby the authority to provide insurance through the Federal Housing Administration Fund be continued.

CHANGE OF NAME

Committee on Government Operations of House of Representatives treated as referring to Committee on Budget of House of Representatives in case of provision relating to establishment, extension, and enforcement of special controls over Federal budget, by section 1(c) of Pub. L. 104–14, set out as a note preceding section 21 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

Section 119(d)(1) of Pub. L. 103–354 provided that the amendment made by that section is effective Jan. 1, 1995.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 665, 665b, 665e, 900, 901a, 902, 903, 904, 905, 908, 922 of this title; title 16 section 556c; title 38 section 113; title 39 section 2009a; title 42 sections 5203, 8621, 14212; title 43 section 1474a.

§ 901a. Sequestration with respect to Violent Crime Reduction Trust Fund

(a) Sequestration

Within 15 days after Congress adjourns to end a session, there shall be a sequestration to eliminate any budgetary excess in the Violent Crime Reduction Trust Fund as described in subsection (b) of this section.

(b) Eliminating a budgetary excess

(1) In general

Except as provided by paragraph (2), appropriations from the Violent Crime Reduction Trust Fund shall be reduced by a uniform percentage necessary to eliminate any amount by

which estimated outlays in the budget year from the Fund exceed the following levels of outlays:

- (A) For fiscal year 1995, \$703,000,000.
- (B) For fiscal year 1996, \$2,334,000,000.
- (C) For fiscal year 1997, \$3,936,000,000.
- (D) For fiscal year 1998, \$4,904,000,000.

For fiscal year 1999, the comparable level for budgetary purposes shall be deemed to be \$5,639,000,000. For fiscal year 2000, the comparable level for budgetary purposes shall be deemed to be \$6,225,000,000.

(2) Special outlay allowance

If estimated outlays from the Fund for a fiscal year exceed the level specified in paragraph (1) for that year, that level shall be increased by the lesser of that excess or 0.5 percent of that level.

(c) Look-back

If, after June 30, an appropriation for the fiscal year in progress is enacted that causes a budgetary excess in the Violent Crime Reduction Trust Fund as described in subsection (b) of this section for that year (after taking into account any sequestration of amounts under this section), the level set forth in subsection (b) of this section for the next fiscal year shall be reduced by the amount of that excess.

(d) Within-session sequestration

If an appropriation for a fiscal year in progress is enacted (after Congress adjourns to end the session for the budget year and before July 1 of that fiscal year) that causes a budgetary excess in the Violent Crime Reduction Trust Fund as described in subsection (b) of this section for that year (after taking into account any prior sequestration of amounts under this section), 15 days later there shall be a sequestration to eliminate that excess following the procedures set forth in subsection (b) of this section.

(e) Part-year appropriations and OMB estimates

Paragraphs (4) and (7) of section 901(a) of this title shall apply to appropriations from, and sequestration of amounts appropriated from, the Violent Crime Reduction Trust Fund under this section in the same manner as those paragraphs apply to discretionary appropriations and sequestrations under that section.

(Pub. L. 99–177, title II, § 251A, as added Pub. L. 103–322, title XXXI, § 310001(g)(1), Sept. 13, 1994, 108 Stat. 2104.)

CROSS REFERENCES

Violent Crime Reduction Trust Fund, see section 14211 of Title 42, The Public Health and Welfare.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 904 of this title; title 42 section 14211.

§ 902. Enforcing pay-as-you-go

(a) Fiscal years 1992–1998 enforcement

The purpose of this section is to assure that any legislation (enacted after November 5, 1990) affecting direct spending or receipts that increases the deficit in any fiscal year covered by this Act will trigger an offsetting sequestration.

(b) Sequestration; look-back

Within 15 calendar days after Congress adjourns to end a session (other than of the One Hundred First Congress) and on the same day as a sequestration (if any) under section 901 of this title and section 903 of this title, there shall be a sequestration to offset the amount of any net deficit increase in that fiscal year and the prior fiscal year caused by all direct spending and receipts legislation enacted after November 5, 1990 (after adjusting for any prior sequestration as provided by paragraph (2)). OMB shall calculate the amount of deficit increase, if any, in those fiscal years by adding—

(1) all applicable estimates of direct spending and receipts legislation transmitted under subsection (d) of this section applicable to those fiscal years, other than any amounts included in such estimates resulting from—

(A) full funding of, and continuation of, the deposit insurance guarantee commitment in effect on November 5, 1990, and

(B) emergency provisions as designated under subsection (e) of this section; and

(2) the estimated amount of savings in direct spending programs applicable to those fiscal years resulting from the prior year's sequestration under this section or section 903 of this title, if any (except for any amounts sequestered as a result of a net deficit increase in the fiscal year immediately preceding the prior fiscal year), as published in OMB's end-of-session sequestration report for that prior year.

(c) Eliminating a deficit increase

(1) The amount required to be sequestered in a fiscal year under subsection (b) of this section shall be obtained from non-exempt direct spending accounts from actions taken in the following order:

(A) First

All reductions in automatic spending increases specified in section 906(a) of this title shall be made.

(B) Second

If additional reductions in direct spending accounts are required to be made, the maximum reductions permissible under sections 906(b) of this title (guaranteed student loans) and 906(c) of this title (foster care and adoption assistance) shall be made.

(C) Third

(i) If additional reductions in direct spending accounts are required to be made, each remaining non-exempt direct spending account shall be reduced by the uniform percentage necessary to make the reductions in direct spending required by paragraph (1); except that the medicare programs specified in section 906(d) of this title shall not be reduced by more than 4 percent and the uniform percentage applicable to all other direct spending programs under this paragraph shall be increased (if necessary) to a level sufficient to achieve the required reduction in direct spending.

(ii) For purposes of determining reductions under clause (i), outlay reductions (as a result of sequestration of Commodity Credit Corporation commodity price support contracts

in the fiscal year of a sequestration) that would occur in the following fiscal year shall be credited as outlay reductions in the fiscal year of the sequestration.

(2) For purposes of this subsection, accounts shall be assumed to be at the level in the baseline.

(d) OMB estimates

As soon as practicable after Congress completes action on any direct spending or receipts legislation enacted after November 5, 1990, after consultation with the Committees on the Budget of the House of Representatives and the Senate, CBO shall provide OMB with an estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1998 resulting from that legislation. Within 5 calendar days after the enactment of any direct spending or receipts legislation enacted after November 5, 1990, OMB shall transmit a report to the House of Representatives and to the Senate containing such CBO estimate of that legislation, an OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1998 resulting from that legislation, and an explanation of any difference between the two estimates. Those OMB estimates shall be made using current economic and technical assumptions. OMB and CBO shall prepare estimates under this paragraph in conformance with scorekeeping guidelines determined after consultation among the House and Senate Committees on the Budget, CBO, and OMB.

(e) Emergency legislation

If, for any fiscal year from 1991 through 1998, a provision of direct spending or receipts legislation is enacted that the President designates as an emergency requirement and that the Congress so designates in statute, the amounts of new budget authority, outlays, and receipts in all fiscal years through 1995¹ resulting from that provision shall be designated as an emergency requirement in the reports required under subsection (d) of this section. This subsection shall not apply to direct spending provisions to cover agricultural crop disaster assistance.

(Pub. L. 99-177, title II, § 252, Dec. 12, 1985, 99 Stat. 1072; Pub. L. 100-119, title I, § 102(a), Sept. 29, 1987, 101 Stat. 764; Pub. L. 100-203, title VIII, § 8003(e), Dec. 22, 1987, 101 Stat. 1330-282; Pub. L. 101-508, title XIII, § 13101(a), Nov. 5, 1990, 104 Stat. 1388-581; Pub. L. 103-66, title XIV, § 14003(a), Aug. 10, 1993, 107 Stat. 684; Pub. L. 103-354, title I, § 119(d)(2), Oct. 13, 1994, 108 Stat. 3208.)

TERMINATION OF SECTION

For termination of section by section 14002(c)(3)(A) of Pub. L. 103-66, see Effective and Termination Dates note set out under section 900 of this title.

REFERENCES IN TEXT

This Act, referred to in subsec. (a), means Pub. L. 99-177, Dec. 12, 1985, 99 Stat. 1037, as amended, which enacted this chapter and sections 654 to 656 of this title, amended sections 602, 622, 631 to 642, and 651 to 653 of

¹ So in original. Probably should be "1998".

this title, sections 1104 to 1106, 1109, and 3101 of Title 31, Money and Finance, and section 911 of Title 42, The Public Health and Welfare, repealed section 661 of this title, enacted provisions set out as notes under section 900 of this title and section 911 of Title 42, and amended provisions set out as a note under section 621 of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

November 5, 1990, referred to in subsecs. (a), (b), and (d), was in the original “the date of enactment of this section”, which was translated as meaning the date of enactment of Pub. L. 101-508, which amended this section generally, to reflect the probable intent of Congress.

AMENDMENTS

1994—Subsec. (e). Pub. L. 103-354 inserted at end “This subsection shall not apply to direct spending provisions to cover agricultural crop disaster assistance.”

1993—Subsec. (a). Pub. L. 103-66, §14003(a)(1), which directed the substitution of “Fiscal year 1992-1998 enforcement” for “Fiscal year 1992-1995 enforcement” in heading, was executed by substituting “Fiscal years 1992-1998 enforcement” for “Fiscal years 1992-1995 enforcement”, to reflect the probable intent of Congress.

Subsec. (d). Pub. L. 103-66, §14003(a)(2), substituted “through fiscal year 1998” for “through fiscal year 1995” in two places.

Subsec. (e). Pub. L. 103-66, §14003(a)(3), substituted “for any fiscal year from 1991 through 1998” for “for fiscal year 1991, 1992, 1993, 1994, or 1995”.

1990—Pub. L. 101-508 amended section generally, substituting subsecs. (a) to (e) relating to enforcement of pay-as-you-go for former subsecs. (a) to (g) relating to Presidential order.

1987—Pub. L. 100-119 amended section generally to reflect substitution of Director of OMB for Comptroller General as official submitting reports under section 901 of this title and to revise provisions relating to content of Presidential orders issued in accordance with those reports.

Subsec. (c)(2)(F)(ii). Pub. L. 100-203, §8003(e), substituted “proposed” for “made”.

EFFECTIVE DATE OF 1994 AMENDMENT

Section 119(d)(2) of Pub. L. 103-354 provided that the amendment made by that section is effective Jan. 1, 1995.

REDUCTION OF DIRECT SPENDING AND RECEIPTS LEGISLATION BALANCES

Section 14003(c) of Pub. L. 103-66 provided that: “Upon enactment of this Act [Aug. 10, 1993], the director of the Office of Management and Budget shall reduce the balances of direct spending and receipts legislation applicable to each fiscal year under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 902] by an amount equal to the net deficit reduction achieved through the enactment in this Act [see Tables for classification] of direct spending and receipts legislation for that year.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 665, 665e, 900, 901, 903, 904, 906, 907d, 908, 922 of this title; title 7 section 1446; title 16 sections 3834, 3837d, 3839c; title 19 section 3624; title 31 section 1341; title 39 section 2009a.

§ 903. Enforcing deficit targets

(a) Sequestration

Within 15 calendar days after Congress adjourns to end a session (other than of the One Hundred First Congress) and on the same day as a sequestration (if any) under section 901 of this title and section 902 of this title, but after any

sequestration required by section 901 of this title (enforcing discretionary spending limits) or section 902 of this title (enforcing pay-as-you-go), there shall be a sequestration to eliminate the excess deficit (if any remains) if it exceeds the margin.

(b) Excess deficit; margin

The excess deficit is, if greater than zero, the estimated deficit for the budget year, minus—

- (1) the maximum deficit amount for that year;
- (2) the amounts for that year designated as emergency direct spending or receipts legislation under section 902(e) of this title; and
- (3) for any fiscal year in which there is not a full adjustment for technical and economic reestimates, the deposit insurance reestimate for that year, if any, calculated under subsection (h) of this section.

The “margin” for fiscal year 1992 or 1993 is zero and for fiscal year 1994 or 1995 is \$15,000,000,000.

(c) Dividing sequestration

To eliminate the excess deficit in a budget year, half of the required outlay reductions shall be obtained from non-exempt defense accounts (accounts designated as function 050 in the President’s fiscal year 1991 budget submission) and half from non-exempt, non-defense accounts (all other non-exempt accounts).

(d) Defense

Each non-exempt defense account shall be reduced by a dollar amount calculated by multiplying the level of sequestrable budgetary resources in that account at that time by the uniform percentage necessary to carry out subsection (c) of this section, except that, if any military personnel are exempt, adjustments shall be made under the procedure set forth in section 901(a)(3) of this title.

(e) Non-defense

Actions to reduce non-defense accounts shall be taken in the following order:

(1) First

All reductions in automatic spending increases under section 906(a) of this title shall be made.

(2) Second

If additional reductions in non-defense accounts are required to be made, the maximum reduction permissible under sections 906(b) of this title (guaranteed student loans) and 906(c) of this title (foster care and adoption assistance) shall be made.

(3) Third

(A) If additional reductions in non-defense accounts are required to be made, each remaining non-exempt, non-defense account shall be reduced by the uniform percentage necessary to make the reductions in non-defense outlays required by subsection (c) of this section, except that—

- (i) the medicare program specified in section 906(d) of this title shall not be reduced by more than 2 percent in total including any reduction of less than 2 percent made under section 902 of this title or, if it has

been reduced by 2 percent or more under section 902 of this title, it may not be further reduced under this section; and

(ii) the health programs set forth in section 906(e) of this title shall not be reduced by more than 2 percent in total (including any reduction made under section 901 of this title),

and the uniform percent applicable to all other programs under this subsection shall be increased (if necessary) to a level sufficient to achieve the required reduction in non-defense outlays.

(B) For purposes of determining reductions under subparagraph (A), outlay reduction (as a result of sequestration of Commodity Credit Corporation commodity price support contracts in the fiscal year of a sequestration) that would occur in the following fiscal year shall be credited as outlay reductions in the fiscal year of the sequestration.

(f) Baseline assumptions; part-year appropriations

(1) Budget assumptions

For purposes of subsections (b), (c), (d), and (e) of this section, accounts shall be assumed to be at the level in the baseline minus any reductions required to be made under sections 901 and 902 of this title.

(2) Part-year appropriations

If, on the date specified in subsection (a) of this section, there is in effect an Act making or continuing appropriations for part of a fiscal year for any non-exempt budget account, then the dollar sequestration calculated for that account under subsection (d) or (e) of this section, as applicable, shall be subtracted from—

(A) the annualized amount otherwise available by law in that account under that or a subsequent part-year appropriation; and

(B) when a full-year appropriation for that account is enacted, from the amount otherwise provided by the full-year appropriation; except that the amount to be sequestered from that account shall be reduced (but not below zero) by the savings achieved by that appropriation when the enacted amount is less than the baseline for that account.

(g) Adjustments to maximum deficit amounts

(1) Adjustments

(A) When the President submits the budget for fiscal year 1992, the maximum deficit amounts for fiscal years 1992, 1993, 1994, and 1995 shall be adjusted to reflect up-to-date reestimates of economic and technical assumptions and any changes in concepts or definitions. When the President submits the budget for fiscal year 1993, the maximum deficit amounts for fiscal years 1993, 1994, and 1995 shall be further adjusted to reflect up-to-date reestimates of economic and technical assumptions and any changes in concepts or definitions.

(B) When submitting the budget for fiscal year 1994, the President may choose to adjust the maximum deficit amounts for fiscal years 1994 and 1995 to reflect up-to-date re-

estimates of economic and technical assumptions. If the President chooses to adjust the maximum deficit amount when submitting the fiscal year 1994 budget, the President may choose to invoke the same adjustment procedure when submitting the budget for fiscal year 1995. In each case, the President must choose between making no adjustment or the full adjustment described in paragraph (2). If the President chooses to make that full adjustment, then those procedures for adjusting discretionary spending limits described in sections 901(b)(1)(C) and 901(b)(2)(E) of this title, otherwise applicable through fiscal year 1993 or 1994 (as the case may be), shall be deemed to apply for fiscal year 1994 (and 1995 if applicable).

(C) When the budget for fiscal year 1994 or 1995 is submitted and the sequestration reports for those years under section 904 of this title are made (as applicable), if the President does not choose to make the adjustments set forth in subparagraph (B), the maximum deficit amount for that fiscal year shall be adjusted by the amount of the adjustment to discretionary spending limits first applicable for that year (if any) under section 901(b) of this title.

(D) For each fiscal year the adjustments required to be made with the submission of the President's budget for that year shall also be made when OMB submits the sequestration update report and the final sequestration report for that year, but OMB shall continue to use the economic and technical assumptions in the President's budget for that year.

Each adjustment shall be made by increasing or decreasing the maximum deficit amounts set forth in section 665 of this title.

(2) Calculations of adjustments

The required increase or decrease shall be calculated as follows:

(A) The baseline deficit or surplus shall be calculated using up-to-date economic and technical assumptions, using up-to-date concepts and definitions, and, in lieu of the baseline levels of discretionary appropriations, using the discretionary spending limits set forth in section 665 of this title as adjusted under section 901 of this title.

(B) The net deficit increase or decrease caused by all direct spending and receipts legislation enacted after November 5, 1990 (after adjusting for any sequestration of direct spending accounts) shall be calculated for each fiscal year by adding—

(i) the estimates of direct spending and receipts legislation transmitted under section 902(d) of this title applicable to each such fiscal year; and

(ii) the estimated amount of savings in direct spending programs applicable to each such fiscal year resulting from the prior year's sequestration under this section or section 902 of this title of direct spending, if any, as contained in OMB's final sequestration report for that year.

(C) The amount calculated under subparagraph (B) shall be subtracted from the amount calculated under subparagraph (A).

(D) The maximum deficit amount set forth in section 665 of this title shall be subtracted from the amount calculated under subparagraph (C).

(E) The amount calculated under subparagraph (D) shall be the amount of the adjustment required by paragraph (1).

(h) Treatment of deposit insurance

(1) Initial estimates

The initial estimates of the net costs of federal deposit insurance for fiscal year 1994 and fiscal year 1995 (assuming full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of the submission of the budget for fiscal year 1993) shall be set forth in that budget.

(2) Reestimates

For fiscal year 1994 and fiscal year 1995, the amount of the reestimate of deposit insurance costs shall be calculated by subtracting the amount set forth under paragraph (1) for that year from the current estimate of deposit insurance costs (but assuming full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of submission of the budget for fiscal year 1993).

(Pub. L. 99-177, title II, §253, Dec. 12, 1985, 99 Stat. 1078; Pub. L. 100-119, title I, §103, Sept. 29, 1987, 101 Stat. 775; Pub. L. 101-508, title XIII, §13101(a), Nov. 5, 1990, 104 Stat. 1388-583.)

TERMINATION OF SECTION

For termination of section by section 275(b) of Pub. L. 99-177, as amended, see Effective and Termination Dates note set out under section 900 of this title.

CODIFICATION

November 5, 1990, referred to in subsec. (g)(2)(B), was in the original “the date of enactment of this section”, which was translated as meaning the date of enactment of Pub. L. 101-508, which amended this section generally, to reflect the probable intent of Congress.

AMENDMENTS

1990—Pub. L. 101-508 amended section generally, substituting provisions relating to enforcement of deficit targets for provisions relating to compliance report by Comptroller General.

1987—Pub. L. 100-119 amended section generally, designating existing provisions as par. (1), substituting “(or December 15, 1987, in the case of the fiscal year 1988)” for “(or on or before April 1, 1986, in the case of the fiscal year 1986)”, and adding pars. (2) and (3).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 665, 900, 901, 902, 904, 906, 907d of this title.

§ 904. Reports and orders

(a) Timetable

The timetable with respect to this subchapter for any budget year is as follows:

Date:	Action to be completed:
January 21	Notification regarding optional adjustment of maximum deficit amount.
5 days before the President's budget submission.	CBO sequestration preview report.

The President's budget submission.	OMB sequestration preview report.
August 10	Notification regarding military personnel.
August 15	CBO sequestration update report.
August 20	OMB sequestration update report.
10 days after end of session.	CBO final sequestration report.
15 days after end of session.	OMB final sequestration report; Presidential order.
30 days later	GAO compliance report.

(b) Submission and availability of reports

Each report required by this section shall be submitted, in the case of CBO, to the House of Representatives, the Senate and OMB and, in the case of OMB, to the House of Representatives, the Senate, and the President on the day it is issued. On the following day a notice of the report shall be printed in the Federal Register.

(c) Optional adjustment of maximum deficit amounts

With respect to budget year 1994 or 1995, on the date specified in subsection (a) of this section the President shall notify the House of Representatives and the Senate of his decision regarding the optional adjustment of the maximum deficit amount (as allowed under section 903(g)(1)(B) of this title).

(d) Sequestration preview reports

(1) Reporting requirement

On the dates specified in subsection (a) of this section, OMB and CBO shall issue a preview report regarding discretionary, pay-as-you-go, and deficit sequestration based on laws enacted through those dates.

(2) Discretionary sequestration report

The preview reports shall set forth estimates for the current year and each subsequent year through 1998 of the applicable discretionary spending limits for each category and an explanation of any adjustments in such limits under section 901 of this title.

(3) Pay-as-you-go sequestration reports

The preview reports shall set forth, for the current year and the budget year, estimates for each of the following:

(A) The amount of net deficit increase or decrease, if any, calculated under subsection 902(b) of this title.

(B) A list identifying each law enacted and sequestration implemented after November 5, 1990, included in the calculation of the amount of deficit increase or decrease and specifying the budgetary effect of each such law.

(C) The sequestration percentage or (if the required sequestration percentage is greater than the maximum allowable percentage for medicare) percentages necessary to eliminate a deficit increase under section 902(c) of this title.

(4) Deficit sequestration reports

The preview reports shall set forth for the budget year estimates for each of the following:

(A) The maximum deficit amount, the estimated deficit calculated under section 903(b) of this title, the excess deficit, and the margin.

(B) The amount of reductions required under section 902 of this title, the excess deficit remaining after those reductions have been made, and the amount of reductions required from defense accounts and the reductions required from non-defense accounts.

(C) The sequestration percentage necessary to achieve the required reduction in defense accounts under section 903(d) of this title.

(D) The reductions required under sections 903(e)(1) and 903(e)(2) of this title.

(E) The sequestration percentage necessary to achieve the required reduction in non-defense accounts under section 903(e)(3) of this title.

The CBO report need not set forth the items other than the maximum deficit amount for fiscal year 1992, 1993, or any fiscal year for which the President notifies the House of Representatives and the Senate that he will adjust the maximum deficit amount under the option under section 903(g)(1)(B) of this title.

(5) Explanation of differences

The OMB reports shall explain the differences between OMB and CBO estimates for each item set forth in this subsection.

(e) Notification regarding military personnel

On or before the date specified in subsection (a) of this section, the President shall notify the Congress of the manner in which he intends to exercise flexibility with respect to military personnel accounts under section 905(h) of this title.

(f) Sequestration update reports

On the dates specified in subsection (a) of this section, OMB and CBO shall issue a sequestration update report, reflecting laws enacted through those dates, containing all of the information required in the sequestration preview reports.

(g) Final sequestration reports

(1) Reporting requirement

On the dates specified in subsection (a) of this section, OMB and CBO shall issue a final sequestration report, updated to reflect laws enacted through those dates.

(2) Discretionary sequestration reports

The final reports shall set forth estimates for each of the following:

(A) For the current year and each subsequent year through 1998 the applicable discretionary spending limits for each category and an explanation of any adjustments in such limits under section 901 of this title.

(B) For the current year and the budget year the estimated new budget authority and outlays for each category and the breach, if any, in each category.

(C) For each category for which a sequestration is required, the sequestration percentages necessary to achieve the required reduction.

(D) For the budget year, for each account to be sequestered, estimates of the baseline level of sequestrable budgetary resources and resulting outlays and the amount of budgetary resources to be sequestered and resulting outlay reductions.

(3) Pay-as-you-go and deficit sequestration reports

The final reports shall contain all the information required in the pay-as-you-go and deficit sequestration preview reports. In addition, these reports shall contain, for the budget year, for each account to be sequestered, estimates of the baseline level of sequestrable budgetary resources and resulting outlays and the amount of budgetary resources to be sequestered and resulting outlay reductions. The reports shall also contain estimates of the effects on outlays of the sequestration in each outyear through 1998 for direct spending programs.

(4) Reports on sequestration to reduce the Violent Crime Reduction Trust Fund

The final reports shall set forth for the budget year estimates for each of the following:

(A) The amount of budget authority appropriated from the Violent Crime Reduction Trust Fund and outlays resulting from those appropriations.

(B) The sequestration percentage and reductions, if any, required under section 901a of this title.

(5) Explanation of differences

The OMB report shall explain any differences between OMB and CBO estimates of the amount of any net deficit change calculated under subsection¹ 902(b) of this title, any excess deficit, any breach, and any required sequestration percentage. The OMB report shall also explain differences in the amount of sequestrable resources for any budget account to be reduced if such difference is greater than \$5,000,000.

(6) Presidential order

On the date specified in subsection (a) of this section, if in its final sequestration report OMB estimates that any sequestration is required, the President shall issue an order fully implementing without change all sequestrations required by the OMB calculations set forth in that report. This order shall be effective on issuance.

(h) Within-session sequestration reports and order

If an appropriation for a fiscal year in progress is enacted (after Congress adjourns to end the session for that budget year and before July 1 of that fiscal year) that causes a breach, 10 days later CBO shall issue a report containing the information required in paragraph (g)(2). Fifteen days after enactment, OMB shall issue a report containing the information required in paragraphs (g)(2) and (g)(4).² On the same day as the OMB report, the President shall issue an order fully implementing without change all seques-

¹ So in original. Probably should be "section".

² See References in Text note below.

trations required by the OMB calculations set forth in that report. This order shall be effective on issuance.

(i) GAO compliance report

On the date specified in subsection (a) of this section, the Comptroller General shall submit to the Congress and the President a report on—

(1) the extent to which each order issued by the President under this section complies with all of the requirements contained in this subchapter, either certifying that the order fully and accurately complies with such requirements or indicating the respects in which it does not; and

(2) the extent to which each report issued by OMB or CBO under this section complies with all of the requirements contained in this subchapter, either certifying that the report fully and accurately complies with such requirements or indicating the respects in which it does not.

(j) Low-growth report

At any time, CBO shall notify the Congress if—

(1) during the period consisting of the quarter during which such notification is given, the quarter preceding such notification, and the 4 quarters following such notification, CBO or OMB has determined that real economic growth is projected or estimated to be less than zero with respect to each of any 2 consecutive quarters within such period; or

(2) the most recent of the Department of Commerce's advance preliminary or final reports of actual real economic growth indicate that the rate of real economic growth for each of the most recently reported quarter and the immediately preceding quarter is less than one percent.

(k) Economic and technical assumptions

In all reports required by this section, OMB shall use the same economic and technical assumptions as used in the most recent budget submitted by the President under section 1105(a) of title 31.

(Pub. L. 99-177, title II, §254, Dec. 12, 1985, 99 Stat. 1078; Pub. L. 100-119, title I, §§102(b)(1), 106(e)(2), Sept. 29, 1987, 101 Stat. 773, 781; Pub. L. 101-508, title XIII, §13101(a), Nov. 5, 1990, 104 Stat. 1388-586; Pub. L. 103-66, title XIV, §§14002(c)(2), 14003(b), Aug. 10, 1993, 107 Stat. 684, 685; Pub. L. 103-322, title XXXI, §310001(g)(2), Sept. 13, 1994, 108 Stat. 2105.)

TERMINATION OF SECTION

For termination of section by section 14002(c)(3)(A) of Pub. L. 103-66, see Effective and Termination Dates note set out under section 900 of this title.

REFERENCES IN TEXT

Paragraph (4) of subsec. (g), referred to in subsec. (h), was redesignated par. (5) and a new par. (4) was added by Pub. L. 103-322, title XXXI, §310001(g)(2), Sept. 13, 1994, 108 Stat. 2105.

CODIFICATION

November 5, 1990, referred to in subsec. (d)(3)(B), was in the original "the date of enactment of this section",

which was translated as meaning the date of enactment of Pub. L. 101-508, which amended this section generally, to reflect the probable intent of Congress.

AMENDMENTS

1994—Subsec. (g)(4) to (6). Pub. L. 103-322 added par. (4) and redesignated former pars. (4) and (5) as (5) and (6), respectively.

1993—Subsecs. (d)(2), (g)(2)(A), (3). Pub. L. 103-66 substituted "1998" for "1995".

1990—Pub. L. 101-508 amended section generally, substituting provisions setting out timetable and requisite content of reports and orders developed as part of sequestration process for former provisions relating to special Congressional procedures in the event of recession, Congressional responses to Presidential orders, and treatment of certain resolutions as reconciliation bills.

1987—Subsec. (b)(1)(A). Pub. L. 100-119, §102(b)(1), substituted "the Director of OMB" for "the Comptroller General".

Subsec. (b)(1)(E). Pub. L. 100-119, §106(e)(2), inserted provisions relating to maximum deficit amount for fiscal year 1988 or 1989.

FISCAL YEAR DEFICIT CONTROL MEASURES

1991—Pub. L. 102-27, title IV, §401(b), Apr. 10, 1991, 105 Stat. 154, provided that: "Upon the enactment of this Act [Apr. 10, 1991], the order issued by the President on November 9, 1990 [set out below], pursuant to sections 251 and 254 of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, [2 U.S.C. 901, 904] is hereby rescinded. Any action taken to implement this order shall be reversed, and any sequestrable resource that has been reduced or sequestered by such order is hereby restored, revived, or released and shall be available to the same extent and for the same purpose as if the order had not been issued."

Section 13401 of Pub. L. 101-508 provided that:

"(a) ORDER RESCINDED.—Upon the enactment of this Act [Nov. 5, 1990], the orders issued by the President on August 25, 1990, and October 15, 1990 [set out below], pursuant to section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 902] are hereby rescinded.

"(b) AMOUNTS RESTORED.—Any action taken to implement the orders referred to in subsection (a) shall be reversed, and any sequestrable resource that has been reduced or sequestered by such orders is hereby restored, revived, or released and shall be available to the same extent and for the same purpose as if the orders had not been issued.

"(c) FURLOUGHED EMPLOYEES.—(1) Federal employees furloughed as a result of the lapse in appropriations from midnight October 5, 1990, until the enactment of House Joint Resolution 666 [Pub. L. 101-412, which was approved Oct. 9, 1990] shall be compensated at their standard rate of compensation for the period during which there was a lapse in appropriations.

"(2) All obligations incurred in anticipation of the appropriations made and authority granted by House Joint Resolution 666 for the purposes of maintaining the essential level of activity to protect life and property and bringing about orderly termination of government functions are hereby ratified and approved if otherwise in accord with the provisions of that Act [Pub. L. 101-412, Oct. 9, 1990, 104 Stat. 894]."

Pub. L. 101-467, §105, Oct. 28, 1990, 104 Stat. 1087, provided that:

"(a) Any order on sequestration for fiscal year 1991 issued before, on, or after the date of enactment of this joint resolution [Oct. 28, 1990] pursuant to section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 902] is suspended and no action shall be taken to implement any such order.

"(b) Subsection (a) shall cease to be effective on the date set forth in section 101(b)(B) [Nov. 5, 1990]."

Pub. L. 101-461, §113, Oct. 25, 1990, 104 Stat. 1078, provided that:

“(a) Any order on sequestration for fiscal year 1991 issued before, on, or after the date of enactment of this joint resolution [Oct. 25, 1990] pursuant to section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 902] is suspended and no action shall be taken to implement any such order.

“(b) Subsection (a) shall cease to be effective on the date set forth in section 108(c) [Oct. 27, 1990].”

Pub. L. 101-444, § 113, Oct. 19, 1990, 104 Stat. 1033, provided that:

“(a) Any order on sequestration for fiscal year 1991 issued before, on, or after the date of enactment of this joint resolution [Oct. 19, 1990] pursuant to section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 902] is suspended and no action shall be taken to implement any such order.

“(b) Subsection (a) shall cease to be effective on the date set forth in section 108(c) [Oct. 24, 1990].”

Pub. L. 101-412, § 113, Oct. 9, 1990, 104 Stat. 897, provided that:

“(a) Any order on sequestration for fiscal year 1991 issued before, on, or after the date of enactment of this joint resolution [Oct. 9, 1990] pursuant to section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 902] is suspended and no action shall be taken to implement any such order.

“(b) Subsection (a) shall cease to be effective on the date set forth in section 108(c) [Oct. 19, 1990].”

Pub. L. 101-403, title I, § 113, Oct. 1, 1990, 104 Stat. 870, provided that:

“(a) Any order on sequestration for fiscal year 1991 issued before, on, or after the date of enactment of this joint resolution [Oct. 1, 1990] pursuant to section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 902] is suspended and no action shall be taken to implement any such order.

“(b) Subsection (a) shall cease to be effective on the date set forth in section 108(c) [Oct. 5, 1990].”

Final Order of the President of the United States, Nov. 9, 1990, 26 Weekly Compilation of Presidential Documents 1797, Nov. 12, 1990, provided:

By the authority vested in me as President by the statutes of the United States of America, including section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177) [2 U.S.C. 904], as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100-119) and Title XIII of the Omnibus Reconciliation Act of 1990 (Public Law 101-508) (hereafter referred to as “the Act”), I hereby order that the following actions be taken immediately to implement the sequestrations and reductions determined by the Director of the Office of Management and Budget as set forth in his report dated November 9, 1990, under sections 251 and 254 of the Act [2 U.S.C. 901, 904]:

(1) Budgetary resources for each non-exempt account within the international category of discretionary spending shall be reduced as specified by the Director of the Office of Management and Budget in his report of November 9, 1990.

(2) Pursuant to sections 250(c)(6) and 251 [2 U.S.C. 900(c)(6), 901], budgetary resources subject to sequestration shall be new budget authority; new loan guarantee commitments or limitations; new direct loan obligations, commitments, or limitations; and obligation limitations.

(3) For accounts making commitments for guaranteed loans as authorized by substantive law, the head of each Department or agency is directed to reduce the level of such commitments or obligations to the extent necessary to conform to the limitations established by the Act [Pub. L. 99-177, title II, see Short Title note set out under 2 U.S.C. 901] and specified by the Director of the Office of Management and Budget in his report of November 9, 1990.

All sequestrations shall be made in strict accordance with the specifications of the November 9th report of the Director of the Office of Management and Budget and the requirements of sections 251 and 254.

GEORGE BUSH.

Final Order of the President of the United States, Oct. 15, 1990, 55 F.R. 41977, provided:

By the authority vested in me as President by the statutes of the United States of America, including section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177) [2 U.S.C. 902], as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100-119) (hereafter referred to as “the Act”), I hereby order that the following actions shall be taken to implement the sequestrations and reductions determined by the Director of the Office of Management and Budget as set forth in his report dated October 15, 1990, under section 251 of the Act [2 U.S.C. 901]:

(1) Each automatic spending increase that would, but for the provisions of the Act, take effect during fiscal year 1991 is permanently sequestered or reduced as provided in section 252.

(2) The following are sequestered as provided in section 252: new budget authority; unobligated balances; new loan guarantee commitments or limitations; new direct loan obligations, commitments, or limitations; spending authority as defined in section 401(c)(2) of the Congressional Budget Act of 1974, as amended [2 U.S.C. 651(c)(2)]; and obligation limitations.

(3) For accounts making payments otherwise required by substantive law, the head of each Department or agency is directed to modify the calculation of each such payment to the extent necessary to reduce the estimate of total required payments for the fiscal year by the amount specified by the Director of the Office of Management and Budget in his report of October 15, 1990.

(4) For accounts making commitments for guaranteed loans as authorized by substantive law, the head of each Department or agency is directed to reduce the level of such commitments or obligations to the extent necessary to conform to the limitations established by the Act and specified by the Director of the Office of Management and Budget in his report of October 15, 1990.

All reductions and sequestrations shall be made in strict accordance with the specifications of the October 15th report of the Director of the Office of Management and Budget and the requirements of section 252(b).

This order supersedes the Initial Order issued on August 25, 1990 [see above].

This order shall be published in the Federal Register.

GEORGE BUSH.

Initial Order of the President of the United States, Aug. 25, 1990, 55 F.R. 35133, which provided emergency deficit control measures for fiscal year 1991, was superseded by Final Order of the President, Oct. 15, 1990, 55 F.R. 41977, set out above.

1990—Pub. L. 101-239, title VI, § 6001, Dec. 19, 1989, 103 Stat. 2139, provided that: “Notwithstanding any other provision of law (including section 11002 [set out below] or any other provision of this Act, other than section 6201 [set out below]), the reductions in the amount of payments required under title XVIII of the Social Security Act [42 U.S.C. 1395 et seq.] made by the final sequester order issued by the President on October 16, 1989 [set out below], pursuant to section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 902(b)] shall continue to be effective (as provided by sections 252(a)(4)(B) and 256(d)(2) of such Act [2 U.S.C. 902(a)(4)(B), 906(d)(2)]) through December 31, 1989, with respect to payments for items and services under part A of such title [42 U.S.C. 1395c et seq.] (including payments under section 1886 of such title [42 U.S.C. 1395ww] attributable or allocated to such part). Each such payment made for items and services provided during fiscal year 1990 after such date shall be increased by 1.42 percent above what it would otherwise be under this Act.”

Pub. L. 101-239, title VI, § 6101, Dec. 19, 1989, 103 Stat. 2168, provided that: “Notwithstanding any other provision of law (including any other provision of this Act, other than section 6201 [set out below]), the reductions

in the amount of payments required under title XVIII of the Social Security Act [42 U.S.C. 1395 et seq.] made by the final sequester order issued by the President on October 16, 1989, pursuant to section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 902(b)] shall continue to be effective (as provided by sections 252(a)(4)(B) and 256(d)(2) of such Act [2 U.S.C. 902(a)(4)(B), 906(d)(2)]) through March 31, 1990, with respect to payments for items and services under part B of such title [42 U.S.C. 1395j et seq.]."

Pub. L. 101-239, title VI, § 6201, Dec. 19, 1989, 103 Stat. 2225, provided that: "Notwithstanding any other provision of law (including section 11002 [set out below] or any other provision of this Act), the reductions in the amount of payments required under title XVIII of the Social Security Act [42 U.S.C. 1395 et seq.] made by the final sequester order issued by the President on October 16, 1989 [set out below], pursuant to section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 902(b)] shall continue to be effective (as provided by sections 252(a)(4)(B) and 256(d)(2) of such Act [2 U.S.C. 902(a)(4)(B), 906(d)(2)]) through December 31, 1989, with respect to payments under section 1833(a)(1)(A) or 1876 of the Social Security Act [42 U.S.C. 1395f(a)(1)(A), 1395mm], section 402 of the Social Security Amendments of 1967 [section 402 of Pub. L. 90-248, enacting 42 U.S.C. 1395b-1, and amending 42 U.S.C. 1395f], or section 222 of the Social Security Amendments of 1972 [section 222 of Pub. L. 92-603, amending 42 U.S.C. 1395b-1 and enacting provisions set out as a note under 42 U.S.C. 1395b-1]. Each such payment made during fiscal year 1990 after such date shall be increased by 1.42 percent above what it would otherwise be under this Act."

Pub. L. 101-239, title XI, § 11002, Dec. 19, 1989, 103 Stat. 2490, provided that:

"(a) ORDER RESCINDED.—(1) Upon the issuance of a new final order by the President under subsection (b)(4) [set out below], the order issued by the President on October 16, 1989 [set out below], pursuant to section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 902] is rescinded.

"(2) Except as otherwise provided in sections 6001, 6101, and 6201 [set out above], and subject to subsection (b), any action taken to implement the order issued by the President on October 16, 1989, shall be reversed, and any sequesterable budgetary resource that has been reduced or sequestered by such order is restored, revived, or released and shall be available to the same extent and for the same purposes as if an order had not been issued.

"(3) For purposes of section[s] 702(d) and 1101(c) of the Ethics Reform Act of 1989 [Pub. L. 101-194, 5 U.S.C. 5305 note, 2 U.S.C. 31-1 note], the order issued by the President on October 16, 1989, pursuant to section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 902] is deemed to be rescinded on January 31, 1990.

"(b) ADJUSTED REDUCTION.—

"(1) Before the close of the fifteenth calendar day beginning after the date of enactment of this Act [Dec. 19, 1989], the Director of OMB shall issue a revised report using the exact budget baseline set forth in the report of October 16, 1989 [set out below], and following the requirements, specifications, definitions, and calculations required by the Balanced Budget and Emergency Deficit Control Act of 1985 [Pub. L. 99-177, title II, see Short Title note set out under 2 U.S.C. 901] for the final report issued under section 251(c)(2) [2 U.S.C. 901(c)(2)] for fiscal year 1990, except that the aggregate outlay reduction to be achieved shall be an amount equal to \$16.1 billion multiplied by 130 divided by 365. Calculations made to carry out the preceding sentence shall take into account the reductions and cancellations achieved by paragraphs (2) and (3) and shall not be affected by subsection (d).

"(2) Notwithstanding any provision of law other than this paragraph, the reductions and cancellations in the student loan programs described in section

256(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 906(c)] achieved by the order issued by the President on October 16, 1989, shall remain in effect through December 31, 1989, and no reductions or cancellations in such programs shall be made by the order issued under paragraph (4).

"(3) Notwithstanding any provision of law other than this paragraph, any automatic spending increase suspended or cancelled by the order issued by the President on October 16, 1989, shall be paid at a rate that is 130/365ths less than the rate that would have been paid under the laws providing for such automatic spending increase.

"(4) On the date that the Director submits a revised report to the President under paragraph (1) for fiscal year 1990, the President shall issue a new final order to make all of the reductions and cancellations specified in such report in conformity with section 252(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 902(a)(2)]. Such order shall be deemed to have become effective on October 16, 1989.

"(c) COMPLIANCE REPORT BY COMPTROLLER GENERAL.—Before the close of the thirtieth day beginning after the date the President issues a new final order under subsection (b)(4), the Comptroller General shall submit to the Congress and the President a compliance report setting forth the information required under section 253 of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 903] with respect to such order.

"(d) NO DOUBLE REDUCTION IN MEDICARE.—With respect to items and services described in section 6001, 6101, or 6201 [set out above] for periods for which reductions are made pursuant to the respective sections, no reduction shall be made under subsection (b)."

New Final Order of the President of the United States, Dec. 27, 1989, 54 F.R. 53469, provided:

By the authority vested in me as President by the statutes of the United States of America, including section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177) [2 U.S.C. 902], as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100-119) (hereafter referred to as "the Act"), and section 11002 of the Omnibus [Budget] Reconciliation Act of 1989 (Public Law 101-239) ("OBRA") [set out above], I hereby order that the following actions be taken to implement the sequestrations and reductions determined by the Director of the Office of Management and Budget as set forth in his report dated December 27, 1989, under section 251 of the Act [2 U.S.C. 901] and section 11002 of the OBRA:

(1) Each automatic spending increase that would, but for the provisions of the Act, take effect during fiscal year 1990 is permanently sequestered or reduced as provided in section 252 of the Act and section 11002 of OBRA.

(2) The following are sequestered as provided in section 252 of the Act and section 11002 of OBRA: new budget authority; unobligated balances; new loan guarantee commitments or limitations; new direct loan obligations, commitments, or limitations; spending authority as defined in section 401(c)(2) of the Congressional Budget Act of 1974, as amended [2 U.S.C. 651(c)(2)]; and obligation limitations.

(3) For accounts making payments otherwise required by substantive law, the head of each department or agency is directed to modify the calculation of each such payment to the extent necessary to reduce the estimate of total required payments for the fiscal year by the amount specified by the Director of the Office of Management and Budget in his report of December 27, 1989.

(4) For accounts making commitments for guaranteed loans or obligations for direct loans as authorized by substantive law, the head of each department or agency is directed to reduce the level of such commitments or obligations to the extent necessary to conform to the limitations established by the Act and by OBRA and specified by the Director of the Office of

Management and Budget in his report of December 27, 1989.

All reductions and sequestrations shall be made in strict accordance with the specifications of the December 27th report of the Director of the Office of Management and Budget and the requirements of section 252(b) of the Act and section 11002 of OBRA.

This order shall be deemed to have become effective on October 16, 1989, as provided in section 11002 of OBRA.

This order shall be published [in the] Federal Register.

GEORGE BUSH.

Final Order of the President of the United States, Oct. 16, 1989, 54 F.R. 42795, which provided emergency deficit control measures for fiscal year 1990, was rescinded by section 11002(a) of Pub. L. 101-239, set out above, upon issuance of New Final Order of the President of the United States, Dec. 27, 1989, 54 F.R. 53469, set out above.

Initial Order of the President of the United States, Aug. 25, 1989, 54 F.R. 35627, which provided emergency deficit control measures for fiscal year 1990, was superseded by Final Order of the President, Oct. 16, 1989, 54 F.R. 42795.

1989—Final Order of the President of the United States, Oct. 15, 1988, 53 F.R. 40696.

Initial Order of the President of the United States, Aug. 25, 1988, 53 F.R. 32881.

1988—Pub. L. 100-203, title IV, §§4001, 4041(b), 4061, title VIII, §8002, Dec. 22, 1987, 101 Stat. 1330-42, 1330-84, 1330-100, 1330-281.

Pub. L. 100-202, §1, Dec. 22, 1987, 101 Stat. 1329.

Order of the President of the United States, Nov. 20, 1987, 52 F.R. 44960.

Order of the President of the United States, Oct. 20, 1987, 52 F.R. 39205.

1986—Pub. L. 99-366, July 31, 1986, 100 Stat. 773.

Pub. L. 99-349, title II, §202, July 2, 1986, 100 Stat. 748.

Pub. L. 99-255, Mar. 7, 1986, 100 Stat. 39, as amended by Pub. L. 99-322, §1, May 23, 1986, 100 Stat. 494.

Order of the President of the United States, Feb. 1, 1986, 51 F.R. 4291.

CROSS REFERENCES

Violent Crime Reduction Trust Fund, see section 14211 of Title 42, The Public Health and Welfare.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 901, 903, 906, 907a, 907b, 907c, 907d, 922 of this title; title 21 section 379g.

§ 905. Exempt programs and activities

(a) Social security benefits and tier I railroad retirement benefits

Benefits payable under the old-age, survivors, and disability insurance program established under title II of the Social Security Act [42 U.S.C. 401 et seq.], and benefits payable under section 231b(a), 231b(f)(3), 231c(a), or 231c(f) of title 45, shall be exempt from reduction under any order issued under this subchapter.

(b) Veterans programs

The following programs shall be exempt from reduction under any order issued under this subchapter:

National Service Life Insurance Fund (36-8132-0-7-701);

Service-Disabled Veterans Insurance Fund (36-4012-0-3-701);

Veterans Special Life Insurance Fund (36-8455-0-8-701);

Veterans Reopened Insurance Fund (36-4010-0-3-701);

United States Government Life Insurance Fund (36-8150-0-7-701);

Veterans Insurance and Indemnity (36-0120-0-1-701);

Special Therapeutic and Rehabilitation Activities Fund (36-4048-0-3-703);

Veterans' Canteen Service Revolving Fund (36-4014-0-3-705);

Benefits under chapter 21 of title 38 relating to specially adapted housing and mortgage-protection life insurance for certain veterans with service-connected disabilities (36-0137-0-1-702);

Benefits under section 2307 of title 38 relating to burial benefits for veterans who die as a result of service-connected disability (36-0155-0-1-701);

Benefits under chapter 39 of title 38 relating to automobiles and adaptive equipment for certain disabled veterans and members of the Armed Forces (36-0137-0-1-702);

Veterans' compensation (36-0153-0-1-701); and Veterans' pensions (36-0154-0-1-701).

(c) Net interest

No reduction of payments for net interest (all of major functional category 900) shall be made under any order issued under this subchapter.

(d) Earned income tax credit

Payments to individuals made pursuant to section 32 of title 26 shall be exempt from reduction under any order issued under this subchapter.

(e) Non-defense unobligated balances

Unobligated balances of budget authority carried over from prior fiscal years, except balances in the defense category, shall be exempt from reduction under any order issued under this subchapter.

(f) Certain program bases

Outlays for programs specified in paragraph (1) of section 907¹ of this title shall be subject to reduction only in accordance with the procedures established in section 901(a)(3)(C)¹ and 906(b)¹ of this title.

(g) Other programs and activities

(1)(A) The following budget accounts and activities shall be exempt from reduction under any order issued under this subchapter:

Activities resulting from private donations, bequests, or voluntary contributions to the Government;

Administration of Territories, Northern Mariana Islands Covenant grants (14-0412-0-1-806);

Thrift Savings Fund (26-8141-0-7-602);

Alaska Power Administration, Operations and maintenance (89-0304-0-1-271);

Appropriations for the District of Columbia (to the extent they are appropriations of locally raised funds);

Bonneville Power Administration fund and borrowing authority established pursuant to section 13 of Public Law 93-454 (1974), as amended [16 U.S.C. 838k] (89-4045-0-3-271);

Bureau of Indian Affairs, miscellaneous payments to Indians (14-2303-0-1-452);

¹ See References in Text note below.

Bureau of Indian Affairs miscellaneous trust funds, tribal trust funds (14-9973-0-7-999);
 Claims, defense (97-0102-0-1-051);
 Claims, judgments, and relief acts (20-1895-0-1-806);
 Coinage profit fund (20-5811-0-2-803);
 Compensation of the President (11-0001-0-1-802);
 Customs Service, miscellaneous permanent appropriations (20-9922-0-2-852);
 Comptroller of the Currency;
 Director of the Office of Thrift Supervision;
 Dual benefits payments account (60-0111-0-1-601);
 Eastern Indian land claims settlement fund (14-2202-0-1-806);
 Exchange stabilization fund (20-4444-0-3-155);
 Farm Credit System Financial Assistance Corporation, interest payments (20-1850-0-1-351);
 Federal Deposit Insurance Corporation;
 Federal Deposit Insurance Corporation, Bank Insurance Fund;
 Federal Deposit Insurance Corporation, FSLIC Resolution Fund;
 Federal Deposit Insurance Corporation, Savings Association Insurance Fund;
 Federal Housing Finance Board;
 Federal payment to the railroad retirement account (60-0113-0-1-601);
 Foreign military sales trust fund (11-8242-0-7-155);
 Health professions graduate student loan insurance fund (Health Education Assistance Loan Program) (75-4305-0-3-553);
 Higher education facilities loans and insurance (91-0240-01-502);
 Internal Revenue Collections for Puerto Rico (20-5737-0-2-852);
 Intragovernmental funds, including those from which the outlays are derived primarily from resources paid in from other government accounts, except to the extent such funds are augmented by direct appropriations for the fiscal year during which an order is in effect;
 Panama Canal Commission, operating expenses (95-5190-0-2-403), and Panama Canal Commission, capital outlay (95-5190-0-2-403);
 Medical facilities guarantee and loan fund, Federal interest subsidies for medical facilities (75-4430-03-551);
 National Credit Union Administration;
 National Credit Union Administration, central liquidity facility;
 National Credit Union Administration, credit union share insurance fund;
 Payment of Vietnam and USS Pueblo prisoner-of-war claims (15-0104-0-1-153);
 Payment to civil service retirement and disability fund (24-0200-0-1-805);
 Payment to Judiciary Trust Funds (10-0941-0-1-752);
 Payments to copyright owners (03-5175-0-2-376);
 Payments to health care trust funds (75-0580-0-1-572);
 Payments to military retirement fund (97-0040-0-1-054);

Compact of Free Association, economic assistance pursuant to Public Law 99-658 (14-0415-0-1-806);
 Payments to social security trust funds (75-0404-0-1-571);
 Payments to state and local government fiscal assistance trust fund (20-2111-0-1-851);
 Payments to the foreign service retirement and disability fund (11-1036-0-1-153 and 19-0540-0-1-153);
 Payments to trust funds from excise taxes or other receipts properly creditable to such trust funds;
 Payments to the United States territories, fiscal assistance (14-0418-0-1-852);
 Payments to widows and heirs of deceased Members of Congress (00-0215-0-1-801);
 Postal service fund (18-4020-0-3-372);
 Resolution Funding Corporation;
 Resolution Trust Corporation;
 Salaries of Article III judges;
 Soldiers and Airmen's Home, payment of claims (84-8930-0-7-705);
 Southeastern Power Administration, Operations and maintenance (89-0302-0-1-271);
 Southwestern Power Administration, Operations and maintenance (89-0303-0-1-271);
 Tennessee Valley Authority fund, except non-power programs and activities (64-4110-0-3-999);
 United States Enrichment Corporation;
 Washington Metropolitan Area Transit Authority, interest payments (46-0300-0-1-401);
 Western Area Power Administration, Construction, rehabilitation, operations, and maintenance (89-5068-0-2-271); and
 Western Area Power Administration, Colorado River basins power marketing fund (89-4452-0-3-271).

(B) The following budget accounts and activities shall be exempt from reduction under any order issued under this subchapter:
 Black lung benefits (20-8144-0-7-601);
 Central Intelligence Agency retirement and disability system fund (56-3400-0-1-054);
 Civil service retirement and disability fund (24-8135-0-7-602);
 Comptrollers general retirement system (05-0107-0-1-801);
 Foreign service retirement and disability fund (19-8186-0-7-602);
 Judicial survivors' annuities fund (10-8110-0-7-602);
 Judicial Officers' Retirement Fund (10-8122-0-7-602);
 Court of Federal Claims Judges' Retirement Fund (10-8124-0-7-602);
 Longshoremens and harborworkers' compensation benefits (16-9971-0-7-601);
 Military retirement fund (97-8097-0-7-602);
 National Oceanic and Atmospheric Administration retirement (13-1450-0-1-306);
 Pensions for former Presidents (47-0105-0-1-802);
 Railroad retirement tier II (60-8011-0-7-601);
 Railroad supplemental annuity pension fund (60-8012-0-7-602);
 Retired pay, Coast Guard (69-0241-0-1-403);
 Retirement pay and medical benefits for commissioned officers, Public Health Service (75-0379-0-1-551);

Special benefits, Federal Employees' Compensation Act (16-1521-0-1-600);

Special benefits for disabled coal miners (75-0409-0-1-601); and

Tax Court judges survivors annuity fund (23-8115-0-7-602).

(2) Prior legal obligations of the Government in the following budget accounts and activities shall be exempt from any order issued under this subchapter:

Agency for International Development, Housing, and other credit guarantee programs (72-4340-0-3-151);

Agricultural credit insurance fund (12-4140-0-3-351);

Biomass energy development (20-0114-0-1-271);

Check forgery insurance fund (20-4109-0-3-803);

Community development grant loan guarantees (86-0162-0-1-451);

Credit union share insurance fund (25-4468-0-3-371);

Economic development revolving fund (13-4406-0-3-452);

Employees life insurance fund (24-8424-0-8-602);

Energy security reserve (Synthetic Fuels Corporation) (20-0112-0-1-271);

Export-Import Bank of the United States, Limitation of program activity (83-4027-0-3-155);

Federal Aviation Administration, Aviation insurance revolving fund (69-4120-0-3-402);

Federal Crop Insurance Corporation fund (12-4085-0-3-351);

Federal Deposit Insurance Corporation (51-8419-0-8-371);

Federal Emergency Management Agency, National flood insurance fund (58-4236-0-3-453);

Federal Emergency Management Agency, National insurance development fund (58-4235-0-3-451);

Federal Housing Administration fund (86-4070-0-3-371);

Federal ship financing fund (69-4301-0-3-403);

Federal ship financing fund, fishing vessels (13-4417-0-3-376);

Geothermal resources development fund (89-0206-0-1-271);

Government National Mortgage Association, Guarantees of mortgage-backed securities (86-4238-0-3-371);

Health education loans (75-4307-0-3-553);

Homeowners assistance fund, Defense (97-4090-0-3-051);

Indian loan guarantee and insurance fund (14-4410-0-3-452);

International Trade Administration, Operations and administration (13-1250-0-1-376);

Low-rent public housing, Loans and other expenses (86-4098-0-3-604);

Maritime Administration, War-risk insurance revolving fund (69-4302-0-3-403);

Overseas Private Investment Corporation (71-4030-0-3-151);

Pension Benefit Guaranty Corporation fund (16-4204-0-3-601);

Rail service assistance (69-0122-0-1-401);

Railroad rehabilitation and improvement financing fund (69-4411-0-3-401);

Rural development insurance fund (12-4155-0-3-452);

Rural electric and telephone revolving fund (12-4230-8-3-271);

Rural housing insurance fund (12-4141-0-3-371);

Small Business Administration, Business loan and investment fund (73-4154-0-3-376);

Small Business Administration, Lease guarantees revolving fund (73-4157-0-3-376);

Small Business Administration, Pollution control equipment contract guarantee revolving fund (73-4147-0-3-376);

Small Business Administration, Surety bond guarantees revolving fund (73-4156-0-3-376);

Department of Veterans Affairs, Loan guaranty revolving fund (36-4025-0-3-704); and

Department of Veterans Affairs, Servicemen's group life insurance fund (36-4009-0-3-701).

(h)² Low-income programs

The following programs shall be exempt from reduction under any order issued under this subchapter:

Aid to families with dependent children (75-0412-0-1-609);

Child nutrition (12-3539-0-1-605);

Commodity supplemental food program (12-3512-0-1-605);

Food stamp programs (12-3505-0-1-605 and 12-3550-0-1-605);

Grants to States for Medicaid (75-0512-0-1-551);

Supplemental Security Income Program (75-0406-0-1-609); and

Women, infants, and children program (12-3510-0-1-605).

(i) Identification of programs

For purposes of subsections (g) and (h) of this section, programs are identified by the designated budget account identification code numbers set forth in the Budget of the United States Government, 1986—Appendix.

(h)³ Optional exemption of military personnel

(1) The President may, with respect to any military personnel account, exempt that account from sequestration or provide for a lower uniform percentage reduction than would otherwise apply.

(2) The President may not use the authority provided by paragraph (1) unless he notifies the Congress of the manner in which such authority will be exercised on or before the initial snapshot date for the budget year.

(Pub. L. 99-177, title II, §255, Dec. 12, 1985, 99 Stat. 1082; Pub. L. 99-509, title VII, §7002(a), Oct. 21, 1986, 100 Stat. 1949; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 100-86, title V, §506(a), Aug. 10, 1987, 101 Stat. 634; Pub. L. 100-119, title I, §104(a)(1), (2), (b), (c)(1), Sept. 29, 1987, 101 Stat. 775-777; Pub. L. 101-73, title VII, §743(a), (c), Aug. 9, 1989, 103 Stat. 437; Pub. L. 101-220, §8, Dec. 12, 1989, 103 Stat. 1881; Pub. L.

² Another subsec. (h) appears after subsec. (i).

³ So in original. Probably should be "(j)".

101-508, title XIII, § 13101(c), Nov. 5, 1990, 104 Stat. 1388-589; Pub. L. 102-54, § 13(a), June 13, 1991, 105 Stat. 274; Pub. L. 102-83, § 5(c)(2), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102-486, title IX, § 902(d), Oct. 24, 1992, 106 Stat. 2944; Pub. L. 102-572, title VI, § 601, Oct. 29, 1992, 106 Stat. 4514.)

TERMINATION OF SECTION

For termination of section by section 14002(c)(3)(A) of Pub. L. 103-66, see Effective and Termination Dates note set out under section 900 of this title.

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (a), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Title II of the Social Security Act is classified generally to subchapter II (§401 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

Section 907 of this title, referred to in subsec. (f), was amended generally by Pub. L. 101-508, title XIII, § 13101(e)(1), Nov. 5, 1990, 104 Stat. 1388-591, and, as so amended, does not contain a par. (1).

Section 901 of this title, referred to in subsec. (f), was amended generally by Pub. L. 101-508, title XIII, § 13101(a), Nov. 5, 1990, 104 Stat. 1388-577, and, as so amended, does not contain a subsec. (a)(3)(C).

Section 906(b) of this title, referred to in subsec. (f), was redesignated section 906(h) of this title by Pub. L. 101-508, title XIII, § 13101(d)(2), Nov. 5, 1990, 104 Stat. 1388-589.

Public Law 99-658, referred to in subsec. (g)(1)(A), is Pub. L. 99-658, Nov. 14, 1986, 100 Stat. 3672, which is classified generally to part A (§1931 et seq.) of subchapter II of chapter 18 of Title 48, Territories and Insular Possessions. For complete classification of this Act to the Code, see Tables.

The Federal Employees' Compensation Act, referred to in subsec. (g)(1)(B), which is act Sept. 7, 1916, ch. 458, 39 Stat. 742, was repealed and the provisions thereof reenacted as subchapter I of chapter 81 of Title 5, Government Organization and Employees, by Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1992—Subsec. (g)(1)(A). Pub. L. 102-572, § 601(b), inserted item relating to payment to Judiciary Trust Funds.

Pub. L. 102-486 inserted item relating to United States Enrichment Corporation.

Subsec. (g)(1)(B). Pub. L. 102-572, § 601(a), inserted items relating to Judicial Officers' Retirement Fund and Court of Federal Claims Judges' Retirement Fund.

1991—Subsec. (b). Pub. L. 102-83 substituted "section 2307 of title 38" for "section 907 of title 38" in item relating to burial benefits for veterans.

Subsec. (g)(2). Pub. L. 102-54 substituted last two items relating to Department of Veterans Affairs for items relating to Veterans Administration, Loan guaranty revolving fund, and Veterans Administration, Servicemen's group life insurance fund.

1990—Subsec. (a). Pub. L. 101-508, § 13101(c)(1), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: "Increases in benefits payable under the old-age, survivors, and disability insurance program established under title II of the Social Security Act, or in benefits payable under section 231b(a), 231b(f)(3), 231c(a), or 231c(f) of title 45, shall not be considered "automatic spending increases" for purposes of this title; and no reduction in any such increase or in any of the benefits involved shall be made under any order issued under this subchapter."

Subsec. (e). Pub. L. 101-508, § 13101(c)(2), amended subsec. (e) generally. Prior to amendment, subsec. (e) read as follows: "Offsetting receipts and collections shall not be reduced under any order issued under this subchapter."

Subsec. (g)(1)(B). Pub. L. 101-508, § 13101(c)(3), inserted item relating to railroad supplemental annuity pension fund.

Subsec. (h). Pub. L. 101-508, § 13101(c)(4), added subsec. (h) relating to optional exemption of military personnel.

1989—Subsec. (g)(1)(A). Pub. L. 101-220 inserted item relating to Farm Credit System Financial Assistance Corporation, interest payments, after item relating to Exchange stabilization fund.

Pub. L. 101-73, § 743(a)(1), inserted item relating to Director of the Office of Thrift Supervision after item relating to Comptroller of the Currency.

Pub. L. 101-73, § 743(a)(2), substituted items relating to Federal Deposit Insurance Corporation, Bank Insurance Fund; Federal Deposit Insurance Corporation, FSLIC Resolution Fund; and Federal Deposit Insurance Corporation, Savings Association Insurance Fund; for item relating to Federal Home Loan Bank Board.

Pub. L. 101-73, § 743(a)(3), substituted item relating to Federal Housing Finance Board for item relating to Federal Home Loan Bank Board, Federal Savings and Loan Insurance Corporation.

Pub. L. 101-73, § 743(a)(4), inserted items relating to Resolution Funding Corporation and Resolution Trust Corporation after item relating to Postal service fund.

Subsec. (g)(2). Pub. L. 101-73, § 743(c), struck out item relating to Federal Savings and Loan Insurance Corporation fund (82-4037-0-3-371).

1987—Subsec. (b). Pub. L. 100-119, § 104(b)(1), inserted items relating to National Service Life Insurance Fund, Service-Disabled Veterans Insurance Fund, Veterans Special Life Insurance Fund, Veterans Reopened Insurance Fund, United States Government Life Insurance Fund, Veterans Insurance and Indemnity, Special Therapeutic and Rehabilitation Activities Fund, Veterans' Canteen Service Revolving Fund, benefits under chapter 21 of title 38 relating to specially adapted and mortgage-protection life insurance for certain veterans and service-connected disabilities, benefits under section 907 of title 38 relating to burial benefits for veterans who die as a result of service-connected disability, and benefits under chapter 39 of title 38 relating to automobiles and adaptive equipment for certain disabled veterans and members of the Armed Forces.

Subsec. (g)(1). Pub. L. 100-119, § 104(a)(2), (b)(2), (3), designated existing provisions of par. (1) as subpar. (A); inserted items relating to Administration of Territories, Northern Mariana Islands Covenant grants, Thrift Savings Fund, Bureau of Indian Affairs, miscellaneous payments to Indians, Customs Service, miscellaneous permanent appropriations, higher education facilities loans and insurance, Internal Revenue Collections for Puerto Rico, Panama Canal Commission operating expenses and Panama Canal Commission capital outlay, to medical facilities guarantee and loan fund, Federal interest subsidies for medical facilities, Compact of Free Association, economic assistance pursuant to Public Law 99-658, payments to United States territories, fiscal assistance, payments to widows and heirs of deceased Members of Congress, and Washington Metropolitan Area Transit Authority, interest payments; and added subpar. (B).

Pub. L. 100-86 inserted items relating to Comptroller of the Currency; Federal Deposit Insurance Corporation; Federal Home Loan Bank Board; Federal Home Loan Bank Board, Federal Savings and Loan Insurance Corporation; National Credit Union Administration; National Credit Union Administration, central liquidity facility; and National Credit Union Administration, credit union share insurance fund.

Subsec. (g)(2). Pub. L. 100-119, § 104(c)(1), struck out following items relating to Veterans Administration: national service life insurance fund, service-disabled veterans insurance fund, United States Government life insurance fund, veterans insurance and indemnities, veterans reopened insurance fund, and veterans special life insurance fund.

Subsec. (h). Pub. L. 100-119, § 104(a)(1), inserted item relating to commodity supplemental food program.

1986—Subsec. (d). Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”, which for purposes of codification was translated as “title 26” thus requiring no change in text.

Subsec. (g)(1). Pub. L. 99-509 inserted item relating to dual benefits payments account.

EFFECTIVE DATE OF 1992 AMENDMENT

Section 1101(a) of Pub. L. 102-572 provided that: “Except as otherwise provided in this Act, the provisions of this Act and the amendments made by this Act [see Tables for classification] shall take effect on January 1, 1993.”

EFFECTIVE DATE OF 1986 AMENDMENT

Section 7002(b) of Pub. L. 99-509 provided that: “The amendment made by subsection (a) [amending this section] shall apply to fiscal years beginning after September 30, 1986.”

SOLDIERS’ AND AIRMEN’S HOME

The Soldiers’ and Airmen’s Home, referred to in subsec. (g)(1)(A), was incorporated into the Armed Forces Retirement Home by section 411 of Title 24, Hospitals and Asylums.

TERMINATION OF UNITED STATES SYNTHETIC FUELS CORPORATION

The United States Synthetic Fuels Corporation was terminated by Pub. L. 99-272, title VII, § 7403(b), Apr. 7, 1986, 100 Stat. 144, set out as a note under section 8791 of Title 42, The Public Health and Welfare.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 901, 904 of this title; title 16 section 839d-1.

§ 906. Exceptions, limitations, and special rules

(a) Automatic spending increases

Automatic spending increases are increases in outlays due to changes in indexes in the following programs:

- (1) National Wool Act;
- (2) Special milk program; and
- (3) Vocational rehabilitation basic State grants.

In those programs all amounts other than the automatic spending increases shall be exempt from reduction under any order issued under this subchapter.

(b) Effect of orders on guaranteed student loan program

(1) Any reductions which are required to be achieved from the student loan programs operated pursuant to part B of title IV of the Higher Education Act of 1965 [20 U.S.C. 1071 et seq.], as a consequence of an order issued pursuant to section 904 of this title, shall be achieved only from loans described in paragraphs (2) and (3) by the application of the measures described in such paragraphs.

(2) For any loan made during the period beginning on the date that an order issued under section 904 of this title takes effect with respect to a fiscal year and ending at the close of such fiscal year, the rate used in computing the special allowance payment pursuant to section 438(b)(2)(A)(iii) of such Act [20 U.S.C. 1087-1(b)(2)(A)(iii)] for each of the first four special allowance payments for such loan shall be adjusted by reducing such rate by the lesser of—

(A) 0.40 percent, or

(B) the percentage by which the rate specified in such section exceeds 3 percent.

(3) For any loan made during the period beginning on the date that an order issued under section 904 of this title takes effect with respect to a fiscal year and ending at the close of such fiscal year, the origination fee which is authorized to be collected pursuant to section 438(c)(2) of such Act [20 U.S.C. 1087-1(c)(2)] shall be increased by 0.50 percent.

(c) Treatment of foster care and adoption assistance programs

Any order issued by the President under section 904 of this title shall make the reduction which is otherwise required under the foster care and adoption assistance programs (established by part E of title IV of the Social Security Act [42 U.S.C. 670 et seq.]) only with respect to payments and expenditures made by States in which increases in foster care maintenance payment rates or adoption assistance payment rates (or both) are to take effect during the fiscal year involved, and only to the extent that the required reduction can be accomplished by applying a uniform percentage reduction to the Federal matching payments that each such State would otherwise receive under section 474 of that Act [42 U.S.C. 674] (for such fiscal year) for that portion of the State’s payments which is attributable to the increases taking effect during that year. No State’s matching payments from the Federal Government for foster care maintenance payments or for adoption assistance maintenance payments may be reduced by a percentage exceeding the applicable domestic sequestration percentage. No State may, after December 12, 1985, make any change in the timetable for making payments under a State plan approved under part E of title IV of the Social Security Act which has the effect of changing the fiscal year in which expenditures under such part are made.

(d) Special rules for Medicare program

(1) Calculation of reduction in individual payment amounts

To achieve the total percentage reduction in those programs required by sections 902 and 903 of this title, and notwithstanding section 710 of the Social Security Act [42 U.S.C. 911], OMB shall determine, and the applicable Presidential order under section 904 of this title shall implement, the percentage reduction that shall apply to payments under the health insurance programs under title XVIII of the Social Security Act [42 U.S.C. 1395 et seq.] for services furnished after the order is issued, such that the reduction made in payments under that order shall achieve the required total percentage reduction in those payments for that fiscal year as determined on a 12-month basis.

(2) Timing of application of reductions

(A) In general

Except as provided in subparagraph (B), if a reduction is made under paragraph (1) in payment amounts pursuant to a sequestration order, the reduction shall be applied to payment for services furnished during the ef-

fective period of the order. For purposes of the previous sentence, in the case of inpatient services furnished for an individual, the services shall be considered to be furnished on the date of the individual's discharge from the inpatient facility.

(B) Payment on the basis of cost reporting periods

In the case in which payment for services of a provider of services is made under title XVIII of the Social Security Act [42 U.S.C. 1395 et seq.] on a basis relating to the reasonable cost incurred for the services during a cost reporting period of the provider, if a reduction is made under paragraph (1) in payment amounts pursuant to a sequestration order, the reduction shall be applied to payment for costs for such services incurred at any time during each cost reporting period of the provider any part of which occurs during the effective period of the order, but only (for each such cost reporting period) in the same proportion as the fraction of the cost reporting period that occurs during the effective period of the order.

(3) No increase in beneficiary charges in assignment-related cases

If a reduction in payment amounts is made under paragraph (1) for services for which payment under part B of title XVIII of the Social Security Act [42 U.S.C. 1395j et seq.] is made on the basis of an assignment described in section 1842(b)(3)(B)(ii) [42 U.S.C. 1395u(b)(3)(B)(ii)], in accordance with section 1842(b)(6)(B) [42 U.S.C. 1395u(b)(6)(B)], or under the procedure described in section 1870(f)(1) [42 U.S.C. 1395gg(f)(1)], of such Act, the person furnishing the services shall be considered to have accepted payment of the reasonable charge for the services, less any reduction in payment amount made pursuant to a sequestration order, as payment in full.

(4) No effect on computation of AAPCC

In computing the adjusted average per capita cost for purposes of section 1876(a)(4) of the Social Security Act [42 U.S.C. 1395mm(a)(4)], the Secretary of Health and Human Services shall not take into account any reductions in payment amounts which have been or may be effected under this subchapter.

(e) Community and migrant health centers, Indian health services and facilities, and veterans' medical care

(1) The maximum permissible reduction in budget authority for any account listed in paragraph (2) for any fiscal year, pursuant to an order issued under section 904 of this title, shall be—

(A) 1 percent in the case of the fiscal year 1986, and

(B) 2 percent in the case of any subsequent fiscal year.

(2) The accounts referred to in paragraph (1) are as follows:

(A) Community health centers (75-0350-0-1-550).

(B) Migrant health centers (75-0350-0-1-550).

(C) Indian health facilities (75-0391-0-1-551).

(D) Indian health services (75-0390-0-1-551).

(E) Veterans' medical care (36-0160-0-1-703).

For purposes of the preceding provisions of this paragraph, programs are identified by the designated budget account identification code numbers set forth in the Budget of the United States Government—Appendix.

(f) Treatment of child support enforcement program

Notwithstanding any change in the display of budget accounts, any order issued by the President under section 904 of this title shall accomplish the full amount of any required reduction in expenditures under sections 455 and 458 of the Social Security Act [42 U.S.C. 655, 658] by reducing the Federal matching rate for State administrative costs under such program, as specified (for the fiscal year involved) in section 455(a) of such Act, to the extent necessary to reduce such expenditures by that amount.

(g) Federal pay

(1) In general

For purposes of any order issued under section 904 of this title—

(A) Federal pay under a statutory pay system, and

(B) elements of military pay,

shall be subject to reduction under an order in the same manner as other administrative expense components of the Federal budget; except that no such order may reduce or have the effect of reducing the rate of pay to which any individual is entitled under any such statutory pay system (as increased by any amount payable under section 5304 of title 5 or section 302 of the Federal Employees Pay Comparability Act of 1990) or the rate of any element of military pay to which any individual is entitled under title 37, or any increase in rates of pay which is scheduled to take effect under section 5303 of title 5, section 1009 of title 37, or any other provision of law.

(2) Definitions

For purposes of this subsection:

(A) The term "statutory pay system" shall have the meaning given that term in section 5302(1) of title 5.

(B) The term "elements of military pay" means—

(i) the elements of compensation of members of the uniformed services specified in section 1009 of title 37,

(ii) allowances provided members of the uniformed services under sections 403a and 405 of such title, and

(iii) cadet pay and midshipman pay under section 203(c) of such title.

(C) The term "uniformed services" shall have the meaning given that term in section 101(3) of title 37.

(h) Treatment of Federal administrative expenses

(1) Notwithstanding any other provision of this title,¹ administrative expenses incurred by the departments and agencies, including inde-

¹ See References in Text note below.

pendent agencies, of the Federal Government in connection with any program, project, activity, or account shall be subject to reduction pursuant to an order issued under section 904 of this title, without regard to any exemption, exception, limitation, or special rule which is otherwise applicable with respect to such program, project, activity, or account under this subchapter.

(2) Notwithstanding any other provision of law, administrative expenses of any program, project, activity, or account which is self-supporting and does not receive appropriations shall be subject to reduction under a sequester order, unless specifically exempted in this joint resolution.

(3) Payments made by the Federal Government to reimburse or match administrative costs incurred by a State or political subdivision under or in connection with any program, project, activity, or account shall not be considered administrative expenses of the Federal Government for purposes of this section, and shall be subject to reduction or sequestration under this subchapter to the extent (and only to the extent) that other payments made by the Federal Government under or in connection with that program, project, activity, or account are subject to such reduction or sequestration; except that Federal payments made to a State as reimbursement of administrative costs incurred by such State under or in connection with the unemployment compensation programs specified in subsection (h)(1)¹ of this section shall be subject to reduction or sequestration under this subchapter notwithstanding the exemption otherwise granted to such programs under that subsection.

(4) Notwithstanding any other provision of law, this subsection shall not apply with respect to the following:

- (A) Comptroller of the Currency.
- (B) Federal Deposit Insurance Corporation.
- (C) Office of Thrift Supervision.²
- (D) Office of Thrift Supervision.²
- (E) National Credit Union Administration.
- (F) National Credit Union Administration, central liquidity facility.
- (G) Federal Retirement Thrift Investment Board.
- (H) Resolution Funding Corporation.
- (I) Resolution Trust Corporation.

(i) Treatment of payments and advances made with respect to unemployment compensation programs

(1) For purposes of section 904 of this title—

(A) any amount paid as regular unemployment compensation by a State from its account in the Unemployment Trust Fund (established by section 904(a) of the Social Security Act [42 U.S.C. 1104(a)]),

(B) any advance made to a State from the Federal unemployment account (established by section 904(g) of such Act [42 U.S.C. 1104(g)]) under title XII of such Act [42 U.S.C. 1321 et seq.] and any advance appropriated to the Federal unemployment account pursuant to section 1203 of such Act [42 U.S.C. 1323], and

(C) any payment made from the Federal Employees Compensation Account (as established under section 909 of such Act [42 U.S.C. 1109]) for the purpose of carrying out chapter 85 of title 5 and funds appropriated or transferred to or otherwise deposited in such Account,

shall not be subject to reduction.

(2)(A) A State may reduce each weekly benefit payment made under the Federal-State Extended Unemployment Compensation Act of 1970 for any week of unemployment occurring during any period with respect to which payments are reduced under an order issued under section 904 of this title by a percentage not to exceed the percentage by which the Federal payment to the State under section 204 of such Act is to be reduced for such week as a result of such order.

(B) A reduction by a State in accordance with subparagraph (A) shall not be considered as a failure to fulfill the requirements of section 3304(a)(11) of title 26.

(j) Commodity Credit Corporation

(1) Powers and authorities of the Commodity Credit Corporation

This title³ shall not restrict the Commodity Credit Corporation in the discharge of its authority and responsibility as a corporation to buy and sell commodities in world trade, to use the proceeds as a revolving fund to meet other obligations and otherwise operate as a corporation, the purpose for which it was created.

(2) Reduction in payments made under contracts

(A) Payments and loan eligibility under any contract entered into with a person by the Commodity Credit Corporation prior to the time an order has been issued under section 904 of this title shall not be reduced by an order subsequently issued. Subject to subparagraph (B), after an order is issued under such section for a fiscal year, any cash payments made by the Commodity Credit Corporation—

- (i) under the terms of any one-year contract entered into in such fiscal year and after the issuance of the order; and
- (ii) out of an entitlement account,

to any person (including any producer, lender, or guarantee entity) shall be subject to reduction under the order.

(B) Each contract entered into with producers or producer cooperatives with respect to a particular crop of a commodity and subject to reduction under subparagraph (A) shall be reduced in accordance with the same terms and conditions. If some, but not all, contracts applicable to a crop of a commodity have been entered into prior to the issuance of an order under section 904 of this title, the order shall provide that the necessary reduction in payments under contracts applicable to the commodity be uniformly applied to all contracts for the next succeeding crop of the commodity, under the authority provided in paragraph (3).

² So in original. Subpars. (C) and (D) are identical.

³ See References in Text note below.

(3) Delayed reduction in outlays permissible

Notwithstanding any other provision of this joint resolution, if an order under section 904 of this title is issued with respect to a fiscal year, any reduction under the order applicable to contracts described in paragraph (1) may provide for reductions in outlays for the account involved to occur in the fiscal year following the fiscal year to which the order applies. No other account, or other program, project, or activity, shall bear an increased reduction for the fiscal year to which the order applies as a result of the operation of the preceding sentence.

(4) Uniform percentage rate of reduction and other limitations

All reductions described in paragraph (2) which are required to be made in connection with an order issued under section 904 of this title with respect to a fiscal year—

(A) shall be made so as to ensure that outlays for each program, project, activity, or account involved are reduced by a percentage rate that is uniform for all such programs, projects, activities, and accounts, and may not be made so as to achieve a percentage rate of reduction in any such item exceeding the rate specified in the order; and

(B) with respect to commodity price support and income protection programs, shall be made in such manner and under such procedures as will attempt to ensure that—

(i) uncertainty as to the scope of benefits under any such program is minimized;

(ii) any instability in market prices for agricultural commodities resulting from the reduction is minimized; and

(iii) normal production and marketing relationships among agricultural commodities (including both contract and non-contract commodities) are not distorted.

In meeting the criterion set out in clause (iii) of subparagraph (B) of the preceding sentence, the President shall take into consideration that reductions under an order may apply to programs for two or more agricultural commodities that use the same type of production or marketing resources or that are alternative commodities among which a producer could choose in making annual production decisions.

(5) No double reduction

No agricultural price support or income protection program that is subject to reduction under an order issued under section 904 of this title for a fiscal year may be subject, as well, to modification or suspension under such order as an automatic spending increase.

(6) Certain authority not to be limited

Nothing in this joint resolution shall limit or reduce, in any way, any appropriation that provides the Commodity Credit Corporation with budget authority to cover the Corporation's net realized losses.

(k) Special rules for JOBS portion of AFDC

(1) Full amount of sequestration required

Any order issued by the President under section 904 of this title shall accomplish the full

amount of any required sequestration of the job opportunities and basic skills training program under section 402(a)(19) [42 U.S.C. 602(a)(19)], and part F of title VI,⁴ of the Social Security Act, in the manner specified in this subsection. Such an order may not reduce any Federal matching rate pursuant to section 403(l) of the Social Security Act [42 U.S.C. 603(l)].

(2) New allotment formula

(A) General rule

Notwithstanding section 403(k) of the Social Security Act [42 U.S.C. 603(k)], each State's percentage share of the amount available after sequestration for direct spending pursuant to section 403(l) of such Act for the fiscal year to which the sequestration applies shall be equal to—

(i)⁵ the lesser of—

(I) that percentage of the total amount paid to the States pursuant to such section 403(l) for the prior fiscal year that is represented by the amount paid to such State pursuant to such section 403(l) for the prior fiscal year; or

(II) the amount that would have been allotted to such State pursuant to such section 403(k) had the sequestration not been in effect.

(B) Reallocation of amounts remaining unallotted after application of general rule

Any amount made available after sequestration for direct spending pursuant to section 403(l) of the Social Security Act [42 U.S.C. 603(l)] for the fiscal year to which the sequestration applies that remains unallotted as a result of subparagraph (A) of this paragraph shall be allotted among the States in proportion to the absolute difference between the amount allotted, respectively, to each State as a result of such subparagraph and the amount that would have been allotted to such State pursuant to section 403(k) of such Act had the sequestration not been in effect, except that a State may not be allotted an amount under this subparagraph that results in a total allotment to the State under this paragraph of more than the amount that would have been allotted to such State pursuant to such section 403(k) had the sequestration not been in effect.

(l) Effects of sequestration

The effects of sequestration shall be as follows:

(1) Budgetary resources sequestered from any account other than a trust or special fund account shall be permanently cancelled.

(2) Except as otherwise provided, the same percentage sequestration shall apply to all programs, projects, and activities within a budget account (with programs, projects, and activities as delineated in the appropriation Act or accompanying report for the relevant fiscal year covering that account, or for accounts not included in appropriation Acts, as

⁴ See References in Text note below.

⁵ So in original. Subsec. (k)(2)(A) enacted without a cl. (ii).

delineated in the most recently submitted President's budget).

(3) Administrative regulations or similar actions implementing a sequestration shall be made within 120 days of the sequestration order. To the extent that formula allocations differ at different levels of budgetary resources within an account, program, project, or activity, the sequestration shall be interpreted as producing a lower total appropriation, with the remaining amount of the appropriation being obligated in a manner consistent with program allocation formulas in substantive law.

(4) Except as otherwise provided, obligations in sequestered accounts shall be reduced only in the fiscal year in which a sequester occurs.

(5) If an automatic spending increase is sequestered, the increase (in the applicable index) that was disregarded as a result of that sequestration shall not be taken into account in any subsequent fiscal year.

(6) Except as otherwise provided, sequestration in trust and special fund accounts for which obligations are indefinite shall be taken in a manner to ensure that obligations in the fiscal year of a sequestration are reduced, from the level that would actually have occurred, by the applicable sequestration percentage.

(Pub. L. 99-177, title II, §256, Dec. 12, 1985, 99 Stat. 1086; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 100-86, title V, §506(b), Aug. 10, 1987, 101 Stat. 634; Pub. L. 100-119, title I, §§102(b)(2), (3), (11), 104(a)(3), (4), Sept. 29, 1987, 101 Stat. 773, 775, 776; Pub. L. 101-73, title VII, §743(b), Aug. 9, 1989, 103 Stat. 437; Pub. L. 101-508, title XIII, §13101(d), Nov. 5, 1990, 104 Stat. 1388-589; Pub. L. 101-509, title V, §529 [title I, §101(b)(2)(A), (4)(H)], Nov. 5, 1990, 104 Stat. 1427, 1439, 1440.)

TERMINATION OF SECTION

For termination of section by section 14002(c)(3)(A) of Pub. L. 103-66, see Effective and Termination Dates note set out under section 900 of this title.

REFERENCES IN TEXT

The Higher Education Act of 1965, referred to in subsec. (b)(1), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219, as amended. Part B of title IV of such Act is classified generally to part B (§1071 et seq.) of subchapter IV of chapter 28 of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

The Social Security Act, referred to in subsecs. (c), (d)(1), (2)(B), (3), (i)(1)(B), and (k)(1), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Part E of title IV of the Social Security Act is classified generally to part E (§670 et seq.) of subchapter IV of chapter 7 of Title 42, The Public Health and Welfare. Part F of title VI of the Social Security Act probably means part F of title IV of the Social Security Act, which is classified generally to part F (§681 et seq.) of subchapter IV of chapter 7 of Title 42. Titles XII and XVIII of the Social Security Act are classified generally to subchapters XII (§1321 et seq.) and XVIII (§1395 et seq.), respectively, of chapter 7 of Title 42. Part B of title XVIII of the Social Security Act is classified generally to part B (§1395j et seq.) of subchapter XVIII of chapter 7 of Title 42. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

Section 302 of the Federal Employees Pay Comparability Act of 1990, referred to in subsec. (g)(1), is section 529 [title III, §302] of Pub. L. 101-509, which is set out as a note under section 5304 of Title 5, Government Organization and Employees.

This title, referred to in subsecs. (h)(1) and (j)(1), means title II (§200 et seq.) of Pub. L. 99-177, Dec. 12, 1985, 99 Stat. 1038, known as the Balanced Budget and Emergency Deficit Control Act of 1985. For complete classification of this Act to the Code, see Short Title note set out under section 900 of this title and Tables.

This joint resolution, referred to in subsecs. (h)(2) and (j)(3), (6), means Pub. L. 99-177, Dec. 12, 1985, 99 Stat. 1037, as amended, which enacted this chapter and sections 654 to 656 of this title, amended sections 602, 622, 631 to 642, and 651 to 653 of this title, sections 1104 to 1106, 1109, and 3101 of Title 31, Money and Finance, and section 911 of Title 42, The Public Health and Welfare, repealed section 661 of this title, enacted provisions set out as notes under section 900 of this title and section 911 of Title 42, and amended provisions set out as a note under section 621 of this title. For complete classification of this Act to the Code, see Tables.

Subsec. (h)(1) of this section, referred to in subsec. (h)(3), was redesignated subsec. (i)(1) of this section by Pub. L. 101-508, title XIII, §13101(d)(2), Nov. 5, 1990, 104 Stat. 1388-589.

The Federal-State Extended Unemployment Compensation Act of 1970, referred to in subsec. (i)(2)(A), is title II of Pub. L. 91-373, Aug. 10, 1970, 84 Stat. 708, as amended, which is classified generally as a note under section 3304 of Title 26, Internal Revenue Code. Section 204 of such Act is set out in the note under section 3304 of Title 26. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1990—Subsec. (a). Pub. L. 101-508, §13101(d)(1), amended subsec. (a) generally, substituting provisions relating to automatic spending increases for provisions relating to effect of reductions and sequestrations.

Subsec. (b). Pub. L. 101-508, §13101(d)(3), substituted "section 904 of this title" for "section 902 of this title" in pars. (1) to (3).

Pub. L. 101-508, §13101(d)(2), redesignated subsec. (c) as (b). Former subsec. (b) redesignated (h).

Subsec. (c). Pub. L. 101-508, §13101(d)(4), inserted after first sentence "No State's matching payments from the Federal Government for foster care maintenance payments or for adoption assistance maintenance payments may be reduced by a percentage exceeding the applicable domestic sequestration percentage."

Pub. L. 101-508, §13101(d)(3), substituted "section 904 of this title" for "section 902 of this title".

Pub. L. 101-508, §13101(d)(2), redesignated subsec. (f) as (c). Former subsec. (c) redesignated (b).

Subsec. (d)(1). Pub. L. 101-508, §13101(d)(5), amended par. (1) generally. Prior to amendment, par. (1) read as follows: "The maximum permissible reduction for the health insurance programs under title XVIII of the Social Security Act for any fiscal year, pursuant to an order issued under section 902 of this title, consists only of a reduction of—

"(A) 1 percent in the case of fiscal year 1986, and

"(B) 2 percent (or such higher percentage as may apply as determined in accordance with section 902(a)(4)(B)(ii) of this title) in the case of any subsequent fiscal year,

in each separate payment amount otherwise made for a covered service under those programs without regard to this subchapter."

Subsec. (d)(2)(C). Pub. L. 101-508, §13101(d)(6), struck out subpar. (C) which read as follows: "For purposes of this paragraph, the effective period of a sequestration order for fiscal year 1986 is the period beginning on March 1, 1986, and ending on September 30, 1986."

Subsec. (e). Pub. L. 101-508, §13101(d)(2), redesignated subsec. (k) as (e). Former subsec. (e) redesignated (f).

Subsec. (e)(1). Pub. L. 101-508, §13101(d)(3), substituted "section 904 of this title" for "section 902 of this title".

Subsec. (f). Pub. L. 101-508, §13101(d)(3), substituted “section 904 of this title” for “section 902 of this title”.

Pub. L. 101-508, §13101(d)(2), redesignated subsec. (e) as (f). Former subsec. (f) redesignated (c).

Subsec. (g)(1). Pub. L. 101-509, §529 [title I, §101(b)(4)(H)], in closing provisions, inserted “(as increased by any amount payable under section 5304 of title 5 or section 302 of the Federal Employees Pay Comparability Act of 1990)” after “pay system” and substituted “5303” for “5305”.

Pub. L. 101-508, §13101(d)(3), substituted “section 904 of this title” for “section 902 of this title”.

Subsec. (g)(2)(A). Pub. L. 101-509, §529 [title I, §101(b)(2)(A)], substituted “5302(1)” for “5301(c)”.

Subsec. (h). Pub. L. 101-508, §13101(d)(2), redesignated subsec. (b) as (h). Former subsec. (h) redesignated (i).

Subsec. (h)(1). Pub. L. 101-508, §13101(d)(3), substituted “section 904 of this title” for “section 902 of this title”.

Subsec. (i). Pub. L. 101-508, §13101(d)(2), redesignated subsec. (h) as (i) and struck out former subsec. (i) which related to treatment of mine worker disability compensation increases as automatic spending increases.

Subsec. (i)(1), (2)(A). Pub. L. 101-508, §13101(d)(3), substituted “section 904 of this title” for “section 902 of this title”.

Subsec. (j). Pub. L. 101-508, §13101(d)(3), substituted “section 904 of this title” for “section 902 of this title” wherever appearing in pars. (2) to (5).

Subsec. (k). Pub. L. 101-508, §13101(d)(2), added subsec. (k). Former subsec. (k) redesignated (e).

Subsec. (l). Pub. L. 101-508, §13101(d)(2), added subsec. (l) and struck out former subsec. (l) which related to treatment of obligated balances.

1989—Subsec. (b)(4)(C). Pub. L. 101-73, §743(b)(1), substituted “Office of Thrift Supervision” for “Federal Home Loan Bank Board”.

Subsec. (b)(4)(D). Pub. L. 101-73, §743(b)(2), substituted “Office of Thrift Supervision” for “Federal Savings and Loan Insurance Corporation”.

Subsec. (b)(4)(H), (I). Pub. L. 101-73, §743(b)(3), added subpars. (H) and (I).

1987—Subsec. (a)(2). Pub. L. 100-119, §102(b)(2), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “Any amount of new budget authority, unobligated balances, obligated balances, new loan guarantee commitments, new direct loan obligations, spending authority (as defined in section 651(c)(2) of this title), or obligation limitations which is sequestered or reduced pursuant to an order issued under section 902 of this title is permanently cancelled, with the exception of amounts sequestered in special or trust funds, which shall remain in such funds and be available in accordance with and to the extent permitted by law, including the provisions of this Act.”

Subsec. (b)(4). Pub. L. 100-86 added par. (4).

Subsec. (b)(4)(G). Pub. L. 100-119, §104(a)(3), added subpar. (G).

Subsec. (d)(1)(B). Pub. L. 100-119, §102(b)(11), inserted “(or such higher percentage as may apply as determined in accordance with section 902(a)(4)(B)(ii) of this title)”.

Subsec. (e). Pub. L. 100-119, §104(a)(4), substituted “Notwithstanding any change in the display of budget accounts, any order” for “Any order”.

Subsec. (l). Pub. L. 100-119, §102(b)(3), amended subsec. (l) generally, striking out provisions which had created an “existing contract” exception to the rule of obligated balances not being subject to reduction under an order issued under section 902 of this title, under which existing contracts in major functional category 050 (other than (A) those contracts which included a specified penalty for cancellation or modification by the Government and which if so cancelled or modified would have resulted (due to such penalty) in a net loss to the Government for the fiscal year, and (B) those contracts the reduction of which would have violated the legal obligations of the Government) were subject to reduction, in accordance with section 901(d)(3) of this title, under an order issued under section 902 of this title.

1986—Subsec. (h)(2)(B). Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”, which for purposes of codification was translated as “title 26” thus requiring no change in text.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-509 effective on such date as the President shall determine, but not earlier than 90 days, and not later than 180 days, after Nov. 5, 1990, see section 529 [title III, §305] of Pub. L. 101-509, set out as a note under section 5301 of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 901, 902, 903, 905 of this title; title 12 section 1772c.

§ 907. The baseline

(a) In general

For any budget year, the baseline refers to a projection of current-year levels of new budget authority, outlays, revenues, and the surplus or deficit into the budget year and the outyears based on laws enacted through the applicable date.

(b) Direct spending and receipts

For the budget year and each outyear, the baseline shall be calculated using the following assumptions:

(1) In general

Laws providing or creating direct spending and receipts are assumed to operate in the manner specified in those laws for each such year and funding for entitlement authority is assumed to be adequate to make all payments required by those laws.

(2) Exceptions

(A) No program with estimated current-year outlays greater than \$50 million shall be assumed to expire in the budget year or out-years.

(B) The increase for veterans' compensation for a fiscal year is assumed to be the same as that required by law for veterans' pensions unless otherwise provided by law enacted in that session.

(C) Excise taxes dedicated to a trust fund, if expiring, are assumed to be extended at current rates.

(3) Hospital Insurance Trust Fund

Notwithstanding any other provision of law, the receipts and disbursements of the Hospital Insurance Trust Fund shall be included in all calculations required by this Act.

(c) Discretionary appropriations

For the budget year and each outyear, the baseline shall be calculated using the following assumptions regarding all amounts other than those covered by subsection (b) of this section:

(1) Inflation of current-year appropriations

Budgetary resources other than unobligated balances shall be at the level provided for the budget year in full-year appropriation Acts. If for any account a full-year appropriation has not yet been enacted, budgetary resources other than unobligated balances shall be at the level available in the current year, ad-

justed sequentially and cumulatively for expiring housing contracts as specified in paragraph (2), for social insurance administrative expenses as specified in paragraph (3), to offset pay absorption and for pay annualization as specified in paragraph (4), for inflation as specified in paragraph (5), and to account for changes required by law in the level of agency payments for personnel benefits other than pay.

(2) Expiring housing contracts

New budget authority to renew expiring multiyear subsidized housing contracts shall be adjusted to reflect the difference in the number of such contracts that are scheduled to expire in that fiscal year and the number expiring in the current year, with the per-contract renewal cost equal to the average current-year cost of renewal contracts.

(3) Social insurance administrative expenses

Budgetary resources for the administrative expenses of the following trust funds shall be adjusted by the percentage change in the beneficiary population from the current year to that fiscal year: the Federal Hospital Insurance Trust Fund, the Supplementary Medical Insurance Trust Fund, the Unemployment Trust Fund, and the railroad retirement account.

(4) Pay annualization; offset to pay absorption

Current-year new budget authority for Federal employees shall be adjusted to reflect the full 12-month costs (without absorption) of any pay adjustment that occurred in that fiscal year.

(5) Inflation

The inflator used in paragraph (1) to adjust budgetary resources relating to personnel shall be the percent by which the average of the Bureau of Labor Statistics Employment Cost Index (wages and salaries, private industry workers) for that fiscal year differs from such index for the current year. The inflator used in paragraph (1) to adjust all other budgetary resources shall be the percent by which the average of the estimated gross national product fixed-weight price index for that fiscal year differs from the average of such estimated index for the current year.

(6) Current-year appropriations

If, for any account, a continuing appropriation is in effect for less than the entire current year, then the current-year amount shall be assumed to equal the amount that would be available if that continuing appropriation covered the entire fiscal year. If law permits the transfer of budget authority among budget accounts in the current year, the current-year level for an account shall reflect transfers accomplished by the submission of, or assumed for the current year in, the President's original budget for the budget year.

(d) Up-to-date concepts

In deriving the baseline for any budget year or outyear, current-year amounts shall be calculated using the concepts and definitions that are required for that budget year.

(e) Sale of assets or prepayment of loans

The sale of an asset or prepayment of a loan shall not alter the deficit or produce any net deficit reduction in the budget baseline, except that the budget baseline estimate shall include asset sales mandated by law before September 18, 1987, and routine, ongoing asset sales and loan prepayments at levels consistent with agency operations in fiscal year 1986;¹

(Pub. L. 99-177, title II, §257, formerly §§251(a)(6)(I), 257, Dec. 12, 1985, 99 Stat. 1092; Pub. L. 100-119, title I, §§102(a), (b)(4)-(8), 104(c)(2), 106(b), Sept. 29, 1987, 101 Stat. 754, 773, 774, 777, 780; renumbered §257 and amended Pub. L. 101-508, title XIII, §13101(b), (e)(1), (2), Nov. 5, 1990, 104 Stat. 1388-589, 1388-591, 1388-593.)

TERMINATION OF SECTION

For termination of section by section 14002(c)(3)(A) of Pub. L. 103-66, see Effective and Termination Dates note set out under section 900 of this title.

REFERENCES IN TEXT

This Act, referred to in subsec. (b)(3), means Pub. L. 99-177, Dec. 12, 1985, 99 Stat. 1037, as amended, which enacted this chapter and sections 654 to 656 of this title, amended sections 602, 622, 631 to 642, and 651 to 653 of this title, sections 1104 to 1106, 1109, and 3101 of Title 31, Money and Finance, and section 911 of Title 42, The Public Health and Welfare, repealed section 661 of this title, enacted provisions set out as notes under section 900 of this title and section 911 of Title 42, and amended provisions set out as a note under section 621 of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Pub. L. 101-508, §13101(b), redesignated former par. (12) of this section as section 250(c)(21) of Pub. L. 99-177, which is classified to section 900(c)(21) of this title.

Pub. L. 101-508, §13101(e)(2), transferred section 251(a)(6)(I) of Pub. L. 99-177, which was classified to section 901(a)(6)(I) of this title, to subsec. (e) of this section.

AMENDMENTS

1990—Pub. L. 101-508, §13101(e)(1), amended section generally, substituting provisions relating to baseline for provisions relating to definitions.

Subsec. (e). Pub. L. 101-508, §13101(e)(2), redesignated section 901(a)(6)(I) of this title as subsec. (e) of this section, and substituted “The” for “assuming, for purposes of this paragraph and subparagraph (A)(i) of paragraph (3), that the”.

1987—Pub. L. 100-119, §102(a), amended section 901 of this title generally, adding subsec. (a)(6)(I). See 1990 Amendment note above.

Par. (1). Pub. L. 100-119, §104(c)(2), struck out provisions of former subpar. (A) that “automatic spending increase” meant increases in budget outlays due to changes in indexes in the following Federal programs:

“Black lung benefits (20-8144-0-7-601);

“Central Intelligence Agency retirement and disability system fund (56-3400-0-1-054);

“Civil service retirement and disability fund (24-8135-0-7-602);

“Comptrollers general retirement system (05-0107-0-1-801);

“Foreign service retirement and disability fund (19-8186-0-7-602);

“Judicial survivors’ annuities fund (10-8110-0-7-602);

“Longshoremen’s and harborworkers’ compensation benefits (16-9971-0-7-601);

¹ So in original. The semicolon probably should be a period.

“Military retirement fund (97-8097-0-7-602);
 “National Oceanic and Atmospheric Administration retirement (13-1450-0-1-306);
 “Pensions for former Presidents (47-0105-0-1-802);
 “Railroad retirement tier II (60-8011-0-7-601);
 “Retired pay, Coast Guard (69-0241-0-1-403);
 “Retirement pay and medical benefits for commissioned officers, Public Health Service (75-0379-0-1-551);
 “Special benefits, Federal Employees’ Compensation Act (16-1521-0-1-600);
 “Special benefits for disabled coal miners (75-0409-0-1-601); and
 “Tax Court judges survivors annuity fund (23-8115-0-7-602).”

Par. (7). Pub. L. 100-119, §102(b)(4), amended par. (7) generally. Prior to amendment, par. (7) read as follows: “The terms ‘sequester’ and ‘sequestration’ (subject to section 902(a)(4) of this title) refer to or mean the cancellation of new budget authority, unobligated balances, obligated balances, new loan guarantee commitments, new direct loan obligations, and spending authority as defined in section 651(c)(2) of this title, and the reduction of obligation limitations.”

Par. (9). Pub. L. 100-119, §102(b)(5), added par. (9).

Par. (10). Pub. L. 100-119, §106(b), added par. (10).

Par. (11). Pub. L. 100-119, §102(b)(6), added par. (11).

Par. (12). Pub. L. 100-119, §102(b)(7), added par. (12).

Pars. (13), (14). Pub. L. 100-119, §102(b)(8), added pars. (13) and (14).

DEFINITION OF TERMS USED IN BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985

Pub. L. 101-163, title III, §315, Nov. 21, 1989, 103 Stat. 1066, provided that: “Effective in the case of this Act and any subsequent Act making appropriations for the Legislative Branch, for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended [see Short Title note set out under section 901 of this title], or any other Act which requires a uniform percentage reduction in accounts in this Act and any subsequent Act making appropriations for the Legislative Branch, the accounts under the general heading ‘Senate’, and the accounts under the general heading ‘House of Representatives’, shall each be considered to be one appropriation account and one ‘program, project, and activity’.”

Pub. L. 100-202, §101(i) [title III, §306], Dec. 22, 1987, 101 Stat. 1329-290, 1329-309, provided that: “Hereafter, for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended [see Short Title note set out under section 901 of this title], the term ‘program, project, and activity’ shall be synonymous with each appropriation account in this Act [see Tables for classification], except that the accounts under the general heading ‘House of Representatives’ shall be considered one appropriation account and one ‘program, project, and activity’, and the accounts under the general heading ‘Senate’ shall be considered one appropriation account and one ‘program, project, and activity’.”

COST-OF-LIVING ADJUSTMENTS IN CERTAIN FEDERAL BENEFITS

Pub. L. 99-509, title VII, §7001, Oct. 21, 1986, 100 Stat. 1948, provided that:

“(a) IN GENERAL.—Benefits which are payable in calendar year 1987, 1988, 1989, 1990, or 1991, under programs listed in section 257(1)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), [2 U.S.C. 907(1)(A)], including any cost-of-living adjustment in such benefits, shall not be subject to modification, suspension, or reduction in such calendar year pursuant to a Presidential order issued under such Act [see Short Title note set out under 2 U.S.C. 901].

“(b) DEFINITION.—For purposes of this section, the term ‘cost-of-living adjustment’ means any increase or change in the amount of a benefit or in standards relating to such benefit under any provision of Federal law which requires such increase or change as a result of

any change in the Consumer Price Index (or any component thereof) or any other index which measures costs, prices, or wages.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 900, 905, 922 of this title.

§ 907a. Suspension in event of war or low growth

(a) Procedures in event of low-growth report

(1) Trigger

Whenever CBO issues a low-growth report under section 904(j) of this title, the Majority Leader of the House of Representatives may, and the Majority Leader of the Senate shall, introduce a joint resolution (in the form set forth in paragraph (2)) declaring that the conditions specified in section 904(j) of this title are met and suspending the relevant provisions of this title,¹ titles III and VI of the Congressional Budget Act of 1974 [2 U.S.C. 631 et seq., 665 et seq.], and section 1103 of title 31.

(2) Form of joint resolution

(A) The matter after the resolving clause in any joint resolution introduced pursuant to paragraph (1) shall be as follows: “That the Congress declares that the conditions specified in section 254(j) of the Balanced Budget and Emergency Deficit Control Act of 1985 are met, and the implementation of the Congressional Budget and Impoundment Control Act of 1974, chapter 11 of title 31, United States Code, and part C of the Balanced Budget and Emergency Deficit Control Act of 1985 are modified as described in section 258(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.”

(B) The title of the joint resolution shall be “Joint resolution suspending certain provisions of law pursuant to section 258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985.”; and the joint resolution shall not contain any preamble.

(3) Committee action

Each joint resolution introduced pursuant to paragraph (1) shall be referred to the appropriate committees of the House of Representatives or the Committee on the Budget of the Senate, as the case may be; and such Committee shall report the joint resolution to its House without amendment on or before the fifth day on which such House is in session after the date on which the joint resolution is introduced. If the Committee fails to report the joint resolution within the five-day period referred to in the preceding sentence, it shall be automatically discharged from further consideration of the joint resolution, and the joint resolution shall be placed on the appropriate calendar.

(4) Consideration of joint resolution

(A) A vote on final passage of a joint resolution reported to the Senate or discharged pursuant to paragraph (3) shall be taken on or before the close of the fifth calendar day of session after the date on which the joint resolution

¹ See References in Text note below.

tion is reported or after the Committee has been discharged from further consideration of the joint resolution. If prior to the passage by one House of a joint resolution of that House, that House receives the same joint resolution from the other House, then—

(i) the procedure in that House shall be the same as if no such joint resolution had been received from the other House, but

(ii) the vote on final passage shall be on the joint resolution of the other House.

When the joint resolution is agreed to, the Clerk of the House of Representatives (in the case of a House joint resolution agreed to in the House of Representatives) or the Secretary of the Senate (in the case of a Senate joint resolution agreed to in the Senate) shall cause the joint resolution to be engrossed, certified, and transmitted to the other House of the Congress as soon as practicable.

(B)(i) In the Senate, a joint resolution under this paragraph shall be privileged. It shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(ii) Debate in the Senate on a joint resolution under this paragraph, and all debatable motions and appeals in connection therewith, shall be limited to not more than five hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(iii) Debate in the Senate on any debatable motion or appeal in connection with a joint resolution under this paragraph shall be limited to not more than one hour, to be equally divided between, and controlled by, the mover and the manager of the joint resolution, except that in the event the manager of the joint resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee.

(iv) A motion in the Senate to further limit debate on a joint resolution under this paragraph is not debatable. A motion to table or to recommit a joint resolution under this paragraph is not in order.

(C) No amendment to a joint resolution considered under this paragraph shall be in order in the Senate.

(b) Suspension of sequestration procedures

Upon the enactment of a declaration of war or a joint resolution described in subsection (a) of this section—

(1) the subsequent issuance of any sequestration report or any sequestration order is precluded;

(2) sections 302(f), 310(d), 311(a), and title VI of the Congressional Budget Act of 1974 [2 U.S.C. 633(f), 641(d), 642(a), 665 et seq.] are suspended; and

(3) section 1103 of title 31 is suspended.

(c) Restoration of sequestration procedures

(1) In the event of a suspension of sequestration procedures due to a declaration of war, then, effective with the first fiscal year that begins in the session after the state of war is concluded by Senate ratification of the necessary treaties, the provisions of subsection (b) of this

section triggered by that declaration of war are no longer effective.

(2) In the event of a suspension of sequestration procedures due to the enactment of a joint resolution described in subsection (a) of this section, then, effective with regard to the first fiscal year beginning at least 12 months after the enactment of that resolution, the provisions of subsection (b) of this section triggered by that resolution are no longer effective.

(Pub. L. 99-177, title II, § 258, as added Pub. L. 101-508, title XIII, § 13101(f), Nov. 5, 1990, 104 Stat. 1388-593.)

TERMINATION OF SECTION

For termination of section by section 14002(c)(3)(A) of Pub. L. 103-66, see Effective and Termination Dates note set out under section 900 of this title.

REFERENCES IN TEXT

This title, referred to in subsec. (a)(1), means title II (§200 et seq.) of Pub. L. 99-177, Dec. 12, 1985, 99 Stat. 1038, as amended, known as the Balanced Budget and Emergency Deficit Control Act of 1985. For complete classification of this Act to the Code, see Short Title note set out under section 900 of this title and Tables.

The Congressional Budget Act of 1974, referred to in subsecs. (a)(1) and (b)(2), is titles I to IX of Pub. L. 93-344, July 12, 1974, 88 Stat. 297, as amended. Titles III and VI of the Act are classified generally to subchapters I (§631 et seq.) and IV (§665 et seq.) of chapter 17A of this title. For complete classification of this Act to the Code, see Short Title note set out under section 621 of this title and Tables.

The Congressional Budget and Impoundment Control Act of 1974, referred to in subsec. (a)(2)(A), is Pub. L. 93-344, July 12, 1974, 88 Stat. 297, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 621 of this title and Tables.

Part C of the Balanced Budget and Emergency Deficit Control Act of 1985, referred to in subsec. (a)(2)(A), is classified generally to this subchapter. Sections 254 and 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 are classified to sections 904 and 907a, respectively, of this title.

CODIFICATION

Another section 258 of Pub. L. 99-177 was added by Pub. L. 100-119 and is classified to section 908 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 665 of this title.

§ 907b. Modification of Presidential order

(a) Introduction of joint resolution

At any time after the Director of OMB issues a final sequestration report under section 904 of this title for a fiscal year, but before the close of the twentieth calendar day of the session of Congress beginning after the date of issuance of such report, the majority leader of either House of Congress may introduce a joint resolution which contains provisions directing the President to modify the most recent order issued under section 904 of this title or provide an alternative to reduce the deficit for such fiscal year. After the introduction of the first such joint resolution in either House of Congress in any calendar year, then no other joint resolution introduced in such House in such calendar

year shall be subject to the procedures set forth in this section.

(b) Procedures for consideration of joint resolutions

(1) Referral to committee

A joint resolution introduced in the Senate under subsection (a) of this section shall not be referred to a committee of the Senate and shall be placed on the calendar pending disposition of such joint resolution in accordance with this subsection.

(2) Consideration in Senate

On or after the third calendar day (excluding Saturdays, Sundays, and legal holidays) beginning after a joint resolution is introduced under subsection (a) of this section, notwithstanding any rule or precedent of the Senate, including Rule XXII of the Standing Rules of the Senate, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the Senate to move to proceed to the consideration of the joint resolution. The motion is not in order after the eighth calendar day (excluding Saturdays, Sundays, and legal holidays) beginning after a joint resolution (to which the motion applies) is introduced. The joint resolution is privileged in the Senate. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the Senate shall immediately proceed to consideration of the joint resolution without intervening motion, order, or other business, and the joint resolution shall remain the unfinished business of the Senate until disposed of.

(3) Debate in Senate

(A) In the Senate, debate on a joint resolution introduced under subsection (a) of this section, amendments thereto, and all debatable motions and appeals in connection therewith shall be limited to not more than 10 hours, which shall be divided equally between the majority leader and the minority leader (or their designees).

(B) A motion to postpone, or a motion to proceed to the consideration of other business is not in order. A motion to reconsider the vote by which the joint resolution is agreed to or disagreed to is not in order, and a motion to recommit the joint resolution is not in order.

(C)(i) No amendment that is not germane to the provisions of the joint resolution or to the order issued under section 904 of this title shall be in order in the Senate. In the Senate, an amendment, any amendment to an amendment, or any debatable motion or appeal is debatable for not to exceed 30 minutes to be equally divided between, and controlled by, the mover and the majority leader (or their designees), except that in the event that the majority leader favors the amendment, motion, or appeal, the minority leader (or the minority leader's designee) shall control the time in opposition to the amendment, motion, or appeal.

(ii) In the Senate, an amendment that is otherwise in order shall be in order notwith-

standing the fact that it amends the joint resolution in more than one place or amends language previously amended. It shall not be in order in the Senate to vote on the question of agreeing to such a joint resolution or any amendment thereto unless the figures then contained in such joint resolution or amendment are mathematically consistent.

(4) Vote on final passage

Immediately following the conclusion of the debate on a joint resolution introduced under subsection (a) of this section, a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, and the disposition of any pending amendments under paragraph (3), the vote on final passage of the joint resolution shall occur.

(5) Appeals

Appeals from the decisions of the Chair shall be decided without debate.

(6) Conference reports

In the Senate, points of order under titles III, IV, and VI of the Congressional Budget Act of 1974 [2 U.S.C. 631 et seq., 651 et seq., 665 et seq.] are applicable to a conference report on the joint resolution or any amendments in disagreement thereto.

(7) Resolution from other House

If, before the passage by the Senate of a joint resolution of the Senate introduced under subsection (a) of this section, the Senate receives from the House of Representatives a joint resolution introduced under subsection (a) of this section, then the following procedures shall apply:

(A) The joint resolution of the House of Representatives shall not be referred to a committee and shall be placed on the calendar.

(B) With respect to a joint resolution introduced under subsection (a) of this section in the Senate—

(i) the procedure in the Senate shall be the same as if no joint resolution had been received from the House; but

(ii)(I) the vote on final passage shall be on the joint resolution of the House if it is identical to the joint resolution then pending for passage in the Senate; or

(II) if the joint resolution from the House is not identical to the joint resolution then pending for passage in the Senate and the Senate then passes the Senate joint resolution, the Senate shall be considered to have passed the House joint resolution as amended by the text of the Senate joint resolution.

(C) Upon disposition of the joint resolution received from the House, it shall no longer be in order to consider the resolution originated in the Senate.

(8) Senate action on House resolution

If the Senate receives from the House of Representatives a joint resolution introduced under subsection (a) of this section after the Senate has disposed of a Senate originated res-

olution which is identical to the House passed joint resolution, the action of the Senate with regard to the disposition of the Senate originated joint resolution shall be deemed to be the action of the Senate with regard to the House originated joint resolution. If it is not identical to the House passed joint resolution, then the Senate shall be considered to have passed the joint resolution of the House as amended by the text of the Senate joint resolution.

(Pub. L. 99-177, title II, §258A, as added Pub. L. 101-508, title XIII, §13101(f), Nov. 5, 1990, 104 Stat. 1388-595.)

TERMINATION OF SECTION

For termination of section by section 14002(c)(3)(A) of Pub. L. 103-66, see Effective and Termination Dates note set out under section 900 of this title.

REFERENCES IN TEXT

The Congressional Budget Act of 1974, referred to in subsec. (b)(6), is titles I to IX of Pub. L. 93-344, July 12, 1974, 88 Stat. 297, as amended. Titles III, IV, and VI of the Act are classified generally to subchapters I (§631 et seq.), II (§651 et seq.), and IV (§665 et seq.) of chapter 17A of this title. For complete classification of this Act to the Code, see Short Title note set out under section 621 of this title and Tables.

§ 907c. Flexibility among defense programs, projects, and activities

(a) Reductions beyond amount specified in Presidential order

Subject to subsections (b), (c), and (d) of this section, new budget authority and unobligated balances for any programs, projects, or activities within major functional category 050 (other than a military personnel account) may be further reduced beyond the amount specified in an order issued by the President under section 904 of this title for such fiscal year. To the extent such additional reductions are made and result in additional outlay reductions, the President may provide for lesser reductions in new budget authority and unobligated balances for other programs, projects, or activities within major functional category 050 for such fiscal year, but only to the extent that the resulting outlay increases do not exceed the additional outlay reductions, and no such program, project, or activity may be increased above the level actually made available by law in appropriation Acts (before taking sequestration into account). In making calculations under this subsection, the President shall use account outlay rates that are identical to those used in the report by the Director of OMB under section 904 of this title.

(b) Base closures prohibited

No actions taken by the President under subsection (a) of this section for a fiscal year may result in a domestic base closure or realignment that would otherwise be subject to section 2687 of title 10.

(c) Report and joint resolution required

The President may not exercise the authority provided by this paragraph¹ for a fiscal year unless—

(1) the President submits a single report to Congress specifying, for each account, the detailed changes proposed to be made for such fiscal year pursuant to this section;

(2) that report is submitted within 5 calendar days of the start of the next session of Congress; and

(3) a joint resolution affirming or modifying the changes proposed by the President pursuant to this paragraph¹ becomes law.

(d) Introduction of joint resolution

Within 5 calendar days of session after the President submits a report to Congress under subsection (c)(1) of this section for a fiscal year, the majority leader of each House of Congress shall (by request) introduce a joint resolution which contains provisions affirming the changes proposed by the President pursuant to this paragraph.¹

(e) Form and title of joint resolution

(1) The matter after the resolving clause in any joint resolution introduced pursuant to subsection (d) of this section shall be as follows: “That the report of the President as submitted on [Insert Date] under section 258B is hereby approved.”

(2) The title of the joint resolution shall be “Joint resolution approving the report of the President submitted under section 258B of the Balanced Budget and Emergency Deficit Control Act of 1985.”

(3) Such joint resolution shall not contain any preamble.

(f) Calendaring and consideration of joint resolution in Senate

(1) A joint resolution introduced in the Senate under subsection (d) of this section shall be referred to the Committee on Appropriations, and if not reported within 5 calendar days (excluding Saturdays, Sundays, and legal holidays) from the date of introduction shall be considered as having been discharged therefrom and shall be placed on the appropriate calendar pending disposition of such joint resolution in accordance with this subsection. In the Senate, no amendment proposed in the Committee on Appropriations shall be in order other than an amendment (in the nature of a substitute) that is germane or relevant to the provisions of the joint resolution or to the order issued under section 904 of this title. For purposes of this paragraph, an amendment shall be considered to be relevant if it relates to function 050 (national defense).

(2) On or after the third calendar day (excluding Saturdays, Sundays, and legal holidays) beginning after a joint resolution is placed on the Senate calendar, notwithstanding any rule or precedent of the Senate, including Rule XXII of the Standing Rules of the Senate, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the Senate to move to proceed to the consideration of the joint resolution. The motion is not in order after the eighth calendar day (excluding Saturdays, Sundays, and legal holidays) beginning after such joint resolution is placed on the appropriate calendar. The motion is not debatable. The joint resolution is privileged in the Senate. A motion to reconsider the vote by

¹ So in original. Probably should be “section”.

which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the Senate shall immediately proceed to consideration of the joint resolution without intervening motion, order, or other business, and the joint resolution shall remain the unfinished business of the Senate until disposed of.

(g) Debate of joint resolution; motions

(1) In the Senate, debate on a joint resolution introduced under subsection (d) of this section, amendments thereto, and all debatable motions and appeals in connection therewith shall be limited to not more than 10 hours, which shall be divided equally between the majority leader and the minority leader (or their designees).

(2) A motion to postpone, or a motion to proceed to the consideration of other business is not in order. A motion to reconsider the vote by which the joint resolution is agreed to or disagreed to is not in order. In the Senate, a motion to recommit the joint resolution is not in order.

(h) Amendment of joint resolution

(1) No amendment that is not germane or relevant to the provisions of the joint resolution or to the order issued under section 904 of this title shall be in order in the Senate. For purposes of this paragraph, an amendment shall be considered to be relevant if it relates to function 050 (national defense). In the Senate, an amendment, any amendment to an amendment, or any debatable motion or appeal is debatable for not to exceed 30 minutes to be equally divided between, and controlled by, the mover and the majority leader (or their designees), except that in the event that the majority leader favors the amendment, motion, or appeal, the minority leader (or the minority leader's designee) shall control the time in opposition to the amendment, motion, or appeal.

(2) In the Senate, an amendment that is otherwise in order shall be in order notwithstanding the fact that it amends the joint resolution in more than one place or amends language previously amended, so long as the amendment makes or maintains mathematical consistency. It shall not be in order in the Senate to vote on the question of agreeing to such a joint resolution or any amendment thereto unless the figures then contained in such joint resolution or amendment are mathematically consistent.

(3) It shall not be in order in the Senate to consider any amendment to any joint resolution introduced under subsection (d) of this section or any conference report thereon if such amendment or conference report would have the effect of decreasing any specific budget outlay reductions below the level of such outlay reductions provided in such joint resolution unless such amendment or conference report makes a reduction in other specific budget outlays at least equivalent to any increase in outlays provided by such amendment or conference report.

(4) For purposes of the application of paragraph (3), the level of outlays and specific budget outlay reductions provided in an amendment shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

(i) Vote on final passage of joint resolution

Immediately following the conclusion of the debate on a joint resolution introduced under subsection (d) of this section, a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, and the disposition of any pending amendments under subsection (h) of this section, the vote on final passage of the joint resolution shall occur.

(j) Appeal from decision of Chair

Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (d) of this section shall be decided without debate.

(k) Conference reports

In the Senate, points of order under titles III and IV of the Congressional Budget Act of 1974 [2 U.S.C. 631 et seq., 651 et seq.] (including points of order under sections 302(c), 303(a), 306, and 401(b)(1) [2 U.S.C. 633(c), 634(a), 637, 651(b)(1)]) are applicable to a conference report on the joint resolution or any amendments in disagreement thereto.

(l) Resolution from other House

If, before the passage by the Senate of a joint resolution of the Senate introduced under subsection (d) of this section, the Senate receives from the House of Representatives a joint resolution introduced under subsection (d) of this section, then the following procedures shall apply:

(1) The joint resolution of the House of Representatives shall not be referred to a committee.

(2) With respect to a joint resolution introduced under subsection (d) of this section in the Senate—

(A) the procedure in the Senate shall be the same as if no joint resolution had been received from the House; but

(B)(i) the vote on final passage shall be on the joint resolution of the House if it is identical to the joint resolution then pending for passage in the Senate; or

(ii) if the joint resolution from the House is not identical to the joint resolution then pending for passage in the Senate and the Senate then passes the Senate joint resolution, the Senate shall be considered to have passed the House joint resolution as amended by the text of the Senate joint resolution.

(3) Upon disposition of the joint resolution received from the House, it shall no longer be in order to consider the joint resolution originated in the Senate.

(m) Senate action on House resolution

If the Senate receives from the House of Representatives a joint resolution introduced under subsection (d) of this section after the Senate has disposed of a Senate originated joint resolution which is identical to the House passed joint resolution, the action of the Senate with regard to the disposition of the Senate originated joint resolution shall be deemed to be the action of the Senate with regard to the House originated joint resolution. If it is not identical to the House passed joint resolution, then the Senate

shall be considered to have passed the joint resolution of the House as amended by the text of the Senate joint resolution.

(Pub. L. 99-177, title II, § 258B, as added Pub. L. 101-508, title XIII, § 13101(g), Nov. 5, 1990, 104 Stat. 1388-597.)

TERMINATION OF SECTION

For termination of section by section 14002(c)(3)(A) of Pub. L. 103-66, see Effective and Termination Dates note set out under section 900 of this title.

REFERENCES IN TEXT

Section 258B, referred to in subsec. (e)(1), (2), means section 258B of Pub. L. 99-177, which is classified to this section.

The Congressional Budget Act of 1974, referred to in subsec. (k), is titles I to IX of Pub. L. 93-344, July 12, 1974, 88 Stat. 297, as amended. Titles III and IV of the Act are classified generally to subchapters I (§ 631 et seq.) and II (§ 651 et seq.) of chapter 17A of this title. For complete classification of this Act to the Code, see Short Title note set out under section 621 of this title and Tables.

§ 907d. Special reconciliation process

(a) Reporting of resolutions and reconciliation bills and resolutions, in Senate

(1) Committee alternatives to Presidential order

After the submission of an OMB sequestration update report under section 904 of this title that envisions a sequestration under section 902 or 903 of this title, each standing committee of the Senate may, not later than October 10, submit to the Committee on the Budget of the Senate information of the type described in section 632(d) of this title with respect to alternatives to the order envisioned by such report insofar as such order affects laws within the jurisdiction of the committee.

(2) Initial Budget Committee action

After the submission of such a report, the Committee on the Budget of the Senate may, not later than October 15, report to the Senate a resolution. The resolution may affirm the impact of the order envisioned by such report, in whole or in part. To the extent that any part is not affirmed, the resolution shall state which parts are not affirmed and shall contain instructions to committees of the Senate of the type referred to in section 641(a) of this title, sufficient to achieve at least the total level of deficit reduction contained in those sections which are not affirmed.

(3) Response of committees

Committees instructed pursuant to paragraph (2), or affected thereby, shall submit their responses to the Budget Committee no later than 10 days after the resolution referred to in paragraph (2) is agreed to, except that if only one such Committee is so instructed such Committee shall, by the same date, report to the Senate a reconciliation bill or reconciliation resolution containing its recommendations in response to such instructions. A committee shall be considered to have complied with all instructions to it pursuant to a resolution adopted under paragraph (2) if it has

made recommendations with respect to matters within its jurisdiction which would result in a reduction in the deficit at least equal to the total reduction directed by such instructions.

(4) Budget Committee action

Upon receipt of the recommendations received in response to a resolution referred to in paragraph (2), the Budget Committee shall report to the Senate a reconciliation bill or reconciliation resolution, or both, carrying out all such recommendations without any substantive revisions. In the event that a committee instructed in a resolution referred to in paragraph (2) fails to submit any recommendation (or, when only one committee is instructed, fails to report a reconciliation bill or resolution) in response to such instructions, the Budget Committee shall include in the reconciliation bill or reconciliation resolution reported pursuant to this subparagraph legislative language within the jurisdiction of the noncomplying committee to achieve the amount of deficit reduction directed in such instructions.

(5) Point of order

It shall not be in order in the Senate to consider any reconciliation bill or reconciliation resolution reported under paragraph (4) with respect to a fiscal year, any amendment thereto, or any conference report thereon if—

(A) the enactment of such bill or resolution as reported;

(B) the adoption and enactment of such amendment; or

(C) the enactment of such bill or resolution in the form recommended in such conference report,

would cause the amount of the deficit for such fiscal year to exceed the maximum deficit amount for such fiscal year, unless the low-growth report submitted under section 904 of this title projects negative real economic growth for such fiscal year, or for each of any two consecutive quarters during such fiscal year.

(6) Treatment of certain amendments

In the Senate, an amendment which adds to a resolution reported under paragraph (2) an instruction of the type referred to in such paragraph shall be in order during the consideration of such resolution if such amendment would be in order but for the fact that it would be held to be non-germane on the basis that the instruction constitutes new matter.

(7) “Day” defined

For purposes of paragraphs (1), (2), and (3), the term “day” shall mean any calendar day on which the Senate is in session.

(b) Procedures

(1) In general

Except as provided in paragraph (2), in the Senate the provisions of sections 636 and 641 of this title for the consideration of concurrent resolutions on the budget and conference reports thereon shall also apply to the consideration of resolutions, and reconciliation bills

and reconciliation resolutions reported under this paragraph and conference reports thereon.

(2) Limit on debate

Debate in the Senate on any resolution reported pursuant to subsection (a)(2) of this section, and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to 10 hours.

(3) Limitation on amendments

Section 641(d)(2) of this title shall apply to reconciliation bills and reconciliation resolutions reported under this subsection.

(4) Bills and resolutions received from the House

Any bill or resolution received in the Senate from the House, which is a companion to a reconciliation bill or reconciliation resolution of the Senate for the purposes of this subsection, shall be considered in the Senate pursuant to the provisions of this subsection.

(5) "Resolution" defined

For purposes of this subsection, the term "resolution" means a simple, joint, or concurrent resolution.

(Pub. L. 99-177, title II, §258C, as added Pub. L. 101-508, title XIII, §13101(g), Nov. 5, 1990, 104 Stat. 1388-600.)

TERMINATION OF SECTION

For termination of section by section 14002(c)(3)(A) of Pub. L. 103-66, see Effective and Termination Dates note set out under section 900 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 641, 644 of this title.

§ 908. Modification of Presidential order

(a) Introduction of joint resolution

At any time after the Director of OMB issues a report under section 901(c)(2)¹ of this title for a fiscal year, but before the close of the tenth calendar day of session in that session of Congress beginning after the date of issuance of such report, the majority leader of either House of Congress may introduce a joint resolution which contains provisions directing the President to modify the most recent order issued under section 902¹ of this title for such fiscal year. After the introduction of the first such joint resolution in either House of Congress in any calendar year, then no other joint resolution introduced in such House in such calendar year shall be subject to the procedures set forth in this section.

(b) Procedures for consideration of joint resolutions

(1) No referral to committee

A joint resolution introduced in the Senate or the House of Representatives under subsection (a) of this section shall not be referred to a committee of the Senate or the House of Representatives, as the case may be, and shall

be placed on the appropriate calendar pending disposition of such joint resolution in accordance with this subsection.

(2) Immediate consideration

On or after the third calendar day (excluding Saturdays, Sundays, and legal holidays) beginning after a joint resolution is introduced under subsection (a) of this section, notwithstanding any rule or precedent of the Senate, including Rule 22 of the Standing Rules of the Senate, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived, except for points of order under titles III or IV of the Congressional Budget Act of 1974 [2 U.S.C. 631 et seq., 651 et seq.]. The motion is not in order after the eighth calendar day (excluding Saturdays, Sundays, and legal holidays) beginning after a joint resolution (to which the motion applies) is introduced. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the respective House shall immediately proceed to consideration of the joint resolution without intervening motion, order, or other business, and the joint resolution shall remain the unfinished business of the respective House until disposed of.

(3) Debate

(A) In the Senate, debate on a joint resolution introduced under subsection (a) of this section, amendments thereto, and all debatable motions and appeals in connection therewith shall be limited to not more than 10 hours, which shall be divided equally between the majority leader and the minority leader (or their designees). In the House, general debate on a joint resolution introduced under subsection (a) of this section shall be limited to not more than 4 hours which shall be equally divided between the majority and minority leaders.

(B) A motion to postpone, or a motion to proceed to the consideration of other business is not in order. A motion to reconsider the vote by which the joint resolution is agreed to or disagreed to is not in order. In the Senate, a motion to recommit the joint resolution is not in order. In the House, a motion further to limit debate is in order and not debatable. In the House, a motion to recommit is in order.

(C)(i) In the House of Representatives, an amendment and any amendment thereto is debatable for not to exceed 30 minutes to be equally divided between the proponent of the amendment and a Member opposed thereto.

(ii) No amendment that is not germane or relevant to the provisions of the joint resolu-

¹ See References in Text note below.

tion or to the order issued under section 902(b)(1)¹ of this title shall be in order in the Senate. In the Senate, an amendment, any amendment to an amendment, or any debatable motion or appeal is debatable for not to exceed 30 minutes to be equally divided between the majority leader and the minority leader (or their designees).

(iii) In the Senate, an amendment that is otherwise in order shall be in order notwithstanding the fact that it amends the joint resolution in more than one place or amends language previously amended. It shall not be in order in the Senate to vote on the question of agreeing to such a joint resolution or any amendment thereto unless the figures then contained in such joint resolution or amendment are mathematically consistent.

(4) Vote on final passage

Immediately following the conclusion of the debate on a joint resolution introduced under subsection (a) of this section, a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, and the disposition of any amendments under paragraph (3) (except for the motion to recommit in the House of Representatives), the vote on final passage of the joint resolution shall occur.

(5) Appeals

Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a joint resolution described in subsection (a) of this section shall be decided without debate.

(6) Conference reports

In the Senate, points of order under titles III and IV of the Congressional Budget Act of 1974 [2 U.S.C. 631 et seq., 651 et seq.] (including points of order under sections 302(c), 303(a), 306, and 401(b)(1) [2 U.S.C. 633(c), 634(a), 637, 651(b)(1)]) are applicable to a conference report on the joint resolution or any amendments in disagreement thereto.

(7) Resolution from other House

If, before the passage by the Senate of a joint resolution of the Senate introduced under subsection (a) of this section, the Senate receives from the House of Representatives a joint resolution introduced under subsection (a) of this section, then the following procedures shall apply:

(A) The joint resolution of the House of Representatives shall not be referred to a committee.

(B) With respect to a joint resolution introduced under subsection (a) of this section in the Senate—

(i) the procedure in the Senate shall be the same as if no joint resolution had been received from the House; but

(ii)(I) the vote on final passage shall be on the joint resolution of the House if it is identical to the joint resolution then pending for passage in the Senate; or

(II) if the joint resolution from the House is not identical to the joint resolu-

tion then pending for passage in the Senate and the Senate then passes it, the Senate shall be considered to have passed the joint resolution as amended by the text of the Senate joint resolution.

(C) Upon disposition of the joint resolution received from the House, it shall no longer be in order to consider the resolution originated in the Senate.

(8) Senate action on House resolution

If the Senate receives from the House of Representatives a joint resolution introduced under subsection (a) of this section after the Senate has disposed of a Senate originated resolution which is identical to the House passed joint resolution, the action of the Senate with regard to the disposition of the Senate originated joint resolution shall be deemed to be the action of the Senate with regard to the House originated joint resolution. If it is not identical to the House passed joint resolution, then the Senate shall be considered to have passed the joint resolution of the House as amended by the text of the Senate joint resolution.

(Pub. L. 99-177, title II, §258, as added Pub. L. 100-119, title I, §105(a), Sept. 29, 1987, 101 Stat. 778.)

TERMINATION OF SECTION

For termination of section by section 14002(c)(3)(A) of Pub. L. 103-66, see Effective and Termination Dates note set out under section 900 of this title.

REFERENCES IN TEXT

Section 901 of this title, referred to in subsec. (a), was amended generally by Pub. L. 101-508, title XIII, §13101(a), Nov. 5, 1990, 104 Stat. 1388-577, and, as so amended, does not contain a subsec. (c). Provisions relating to reports by the Director of OMB are contained in section 904 of this title.

Section 902 of this title, referred to in subsecs. (a) and (b)(3)(C)(ii), was amended generally by Pub. L. 101-508, title XIII, §13101(a), Nov. 5, 1990, 104 Stat. 1388-581. Provisions relating to Presidential orders are contained in section 904(g)(6) of this title.

The Congressional Budget Act of 1974, referred to in subsec. (b)(2), (6), is titles I to IX of Pub. L. 93-344, July 12, 1974, 88 Stat. 297, as amended. Titles III and IV of the Act are classified generally to subchapters I (§631 et seq.) and II (§651 et seq.) of chapter 17A of this title. For complete classification of this Act to the Code, see Short Title note set out under section 621 of this title and Tables.

CODIFICATION

Another section 258 of Pub. L. 99-177 was added by Pub. L. 101-508 and is classified to section 907a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 665 of this title.

§ 909. Repealed. Pub. L. 101-508, title XIII, § 13212, Nov. 5, 1990, 104 Stat. 1388-621

Section, Pub. L. 100-119, title II, §202, Sept. 29, 1987, 101 Stat. 784, prohibited counting as savings transfer of Government actions from one year to another.

SUBCHAPTER II—OPERATION AND REVIEW

§ 921. Transferred

CODIFICATION

Section, Pub. L. 99-177, title II, § 273, Dec. 12, 1985, 99 Stat. 1098, which related to revenue estimates, was redesignated as section 201(g) of Pub. L. 93-344 by section 13202(b) of Pub. L. 101-508 and is classified to section 601(g) of this title.

§ 922. Judicial review**(a) Expedited review**

(1) Any Member of Congress may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief on the ground that any order that might be issued pursuant to section 902¹ of this title violates the Constitution.

(2) Any Member of Congress, or any other person adversely affected by any action taken under this title,¹ may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief concerning the constitutionality of this title.¹

(3) Any Member of Congress may bring an action, in the United States District Court for the District of Columbia, for declaratory and injunctive relief on the ground that the terms of an order issued under section 902¹ of this title do not comply with the requirements of this title.¹

(4) A copy of any complaint in an action brought under paragraph (1), (2), or (3) shall be promptly delivered to the Secretary of the Senate and the Clerk of the House of Representatives, and each House of Congress shall have the right to intervene in such action.

(5) Any action brought under paragraph (1), (2), or (3) shall be heard and determined by a three-judge court in accordance with section 2284 of title 28.

Nothing in this section or in any other law shall infringe upon the right of the House of Representatives to intervene in an action brought under paragraph (1), (2), or (3) without the necessity of adopting a resolution to authorize such intervention.

(b) Appeal to Supreme Court

Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under paragraph (1), (2), or (3) of subsection (a) of this section shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 days after such order is entered; and the jurisdictional statement shall be filed within 30 days after such order is entered. No stay of an order issued pursuant to an action brought under paragraph (1), (2), or (3) of subsection (a) of this section shall be issued by a single Justice of the Supreme Court.

(c) Expedited consideration

It shall be the duty of the District Court for the District of Columbia and the Supreme Court

of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a) of this section.

(d) Noncompliance with sequestration procedures

(1) If it is finally determined by a court of competent jurisdiction that an order issued by the President under section 902(b)¹ of this title for any fiscal year—

(A) does not reduce automatic spending increases under any program specified in section 907(1)¹ of this title to the extent that such increases are required to be reduced by subchapter I of this chapter (or reduces such increases by a greater extent than is so required),

(B) does not sequester the amount of new budget authority, new loan guarantee commitments, new direct loan obligations, or spending authority which is required to be sequestered by subchapter I of this chapter (or sequesters more than that amount) with respect to any program, project, activity, or account, or

(C) does not reduce obligation limitations by the amount by which such limitations are required to be reduced under subchapter I of this chapter (or reduces such limitations by more than that amount) with respect to any program, project, activity, or account,

the President shall, within 20 days after such determination is made, revise the order in accordance with such determination.

(2) If the order issued by the President under section 902(b)¹ of this title for any fiscal year—

(A) does not reduce any automatic spending increase to the extent that such increase is required to be reduced by subchapter I of this chapter,

(B) does not sequester any amount of new budget authority, new loan guarantee commitments, new direct loan obligations, or spending authority which is required to be sequestered by subchapter I of this chapter, or

(C) does not reduce any obligation limitation by the amount by which such limitation is required to be reduced under subchapter I of this chapter,

on the claim or defense that the constitutional powers of the President prevent such sequestration or reduction or permit the avoidance of such sequestration or reduction, and such claim or defense is finally determined by the Supreme Court of the United States to be valid, then the entire order issued pursuant to section 902(b)¹ of this title for such fiscal year shall be null and void.

(e) Timing of relief

No order of any court granting declaratory or injunctive relief from the order of the President issued under section 902¹ of this title, including but not limited to relief permitting or requiring the expenditure of funds sequestered by such order, shall take effect during the pendency of the action before such court, during the time appeal may be taken, or, if appeal is taken, during the period before the court to which such appeal is taken has entered its final order disposing of such action.

¹ See References in Text note below.

(f) Alternative procedures for joint reports of Directors

(1) In the event that any of the reporting procedures described in section 901¹ of this title are invalidated, then any report of the Director of CBO under section 901(a)(2)(A) or 901(c)(1)¹ of this title shall be transmitted to the joint committee established under this subsection.

(2) Upon the invalidation of any such procedure there is established a Temporary Joint Committee on Deficit Reduction, composed of the entire membership of the Budget Committees of the House of Representatives and the Senate. The Chairman of these two committees shall act as Co-Chairmen of the Joint Committee. Actions taken by the Joint Committee shall be determined by the majority vote of the members representing each House. The purposes of the Joint Committee are to receive the reports of the Director of CBO as described in paragraph (1), and to report (with respect to each such report of the Director of CBO) a joint resolution as described in paragraph (3).

(3) No later than 5 days after the receipt of a report of the Director of CBO in accordance with paragraph (1), the Joint Committee shall report to the House of Representatives and the Senate a joint resolution setting forth the contents of the report of the Director of CBO.

(4) The provisions relating to the consideration of a joint resolution under section 904(a)(4)¹ of this title shall apply to the consideration of a joint resolution reported pursuant to this subsection in the House of Representatives and the Senate, except that debate in each House shall be limited to two hours.

(5) Upon its enactment, the joint resolution shall be deemed to be the report received by the President under section 901(a)(2)(B) or (c)(2)¹ of this title (whichever is applicable).

(g) Preservation of other rights

The rights created by this section are in addition to the rights of any person under law, subject to subsection (e) of this section.

(h) Economic data and assumptions

The economic data and economic assumptions used by the Director of OMB in computing the base levels of total revenues and total budget outlays, as specified in any report issued by the Director of OMB under section 901(a)(2)(B) or (c)(2)¹ of this title, shall not be subject to review in any judicial or administrative proceeding.

(Pub. L. 99-177, title II, §274, Dec. 12, 1985, 99 Stat. 1098; Pub. L. 100-119, title I, §102(b)(9), (10), Sept. 29, 1987, 101 Stat. 774, 775.)

REFERENCES IN TEXT

Section 902 of this title, referred to in subsecs. (a)(1), (3), (d), and (e), was amended generally by Pub. L. 101-508, title XIII, §13101(a), Nov. 5, 1990, 104 Stat. 1388-581. Provisions relating to Presidential orders are contained in section 904(g)(6) of this title.

This title, referred to in subsec. (a)(2), (3), means title II (§200 et seq.) of Pub. L. 99-177, Dec. 12, 1985, 99 Stat. 1038, known as the Balanced Budget and Emergency Deficit Control Act of 1985. For complete classification of this Act to the code, see Short Title note set out under section 901 of this title and Tables.

Section 907 of this title, referred to in subsec. (d)(1)(A), was amended generally by Pub. L. 101-508,

title XIII, §13101(e)(1), Nov. 5, 1990, 104 Stat. 1388-591, and, as so amended, does not contain a par. (1).

Section 901 of this title, referred to in subsecs. (f)(1), (5), and (h), was amended generally by Pub. L. 101-508, title XIII, §13101(a), Nov. 5, 1990, 104 Stat. 1388-577. Provisions relating to reports are contained in section 904 of this title.

Section 904 of this title, referred to in subsec. (f)(4), was amended generally by Pub. L. 101-508, title XIII, §13101(a), Nov. 5, 1990, 104 Stat. 1388-586, and, as so amended, does not contain a subsec. (a)(4).

AMENDMENTS

1987—Subsec. (f)(1). Pub. L. 100-119, §102(b)(9)(A), added par. (1) and struck out former par. (1) which read as follows: “In the event that any of the reporting procedures described in section 901 of this title are invalidated, then any report of the Directors referred to in section 901(a) or (c)(1) of this title shall be transmitted to the joint committee established under this subsection.”

Subsec. (f)(2), (3). Pub. L. 100-119, §102(b)(9)(B), substituted “Director of CBO” for “Directors” wherever appearing.

Subsec. (f)(5). Pub. L. 100-119, §102(b)(9)(C), substituted “section 901(a)(2)(B) or (c)(2)” for “section 901(b) or (c)(2)”.

Subsec. (h). Pub. L. 100-119, §102(b)(10), substituted “and economic assumptions” for “, assumptions, and methodologies”, “Director of OMB” for “Comptroller General” in two places, and “section 901(a)(2)(B)” for “section 901(b)”.

CHAPTER 21—CIVIC ACHIEVEMENT AWARD PROGRAM IN HONOR OF OFFICE OF SPEAKER OF HOUSE OF REPRESENTATIVES**§§ 1001 to 1004. Repealed. Pub. L. 101-483, Oct. 31, 1990, 104 Stat. 1166**

Section 1001, Pub. L. 100-158, §1, Nov. 9, 1987, 101 Stat. 896, related to support for Civic Achievement Award Program in Honor of Office of Speaker of House of Representatives.

Section 1002, Pub. L. 100-158, §2, Nov. 9, 1987, 101 Stat. 897; Pub. L. 101-118, §§2, 3, Oct. 17, 1989, 103 Stat. 698, related to a description of Civic Achievement Award Program conducted by Close Up Foundation, categories of awards, a national committee to advise Close Up Foundation, and participation by libraries.

Section 1003, Pub. L. 100-158, §3, Nov. 9, 1987, 101 Stat. 897, related to audit and reporting requirements of Comptroller General and Close Up Foundation with regard to Civic Achievement Award Program.

Section 1004, Pub. L. 100-158, §4, Nov. 9, 1987, 101 Stat. 898; Pub. L. 101-118, §1, Oct. 17, 1989, 103 Stat. 698, related to authorization of appropriations to carry out Civic Achievement Award Program.

PREAMBLE

Preamble to Pub. L. 100-158 was repealed by Pub. L. 101-483, Oct. 31, 1990, 104 Stat. 1166.

CHAPTER 22—JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

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